

Thursday
July 2, 1998

Federal Register

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- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** Sponsored by the Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: July 14, 1998 at 9:00 am
WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202-523-4538



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Presidential Documents

Title 3—**Executive Order 13090 of June 29, 1998****The President****President's Commission on the Celebration of Women in American History**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and in order to celebrate the role of women in American history, it is hereby ordered as follows:

Section 1. *Establishment.* There is established the President's Commission on the Celebration of Women in American History ("Commission"). The Commission shall be composed of not more than 11 members appointed by the President from the public and private sectors. The public sector members shall include such persons as the President deems appropriate, including (a) the Assistant to the President and Director of Communications and (b) a person recommended by and who shall be the representative of the Administrator of General Services. The President may designate two members as Co-Chairs of the Commission. The private sector members shall represent entities interested in the Commission's work on American history, particularly the history of women in America. These entities may include, but need not be limited to, academic institutions, business entities, labor organizations, public interest organizations, arts and humanities institutions, State and local governments, athletic groups, and organizations devoted to civil rights and opportunities for minorities and women. The private sector members shall not be considered special Government employees.

Sec. 2. *Functions.* (a) The Commission shall make recommendations to the President, through the Co-Chairs of the Commission, on ways to best acknowledge and celebrate the roles and accomplishments of women in American history. Recommendations may include, among other things, the feasibility of a focal point for women's history located in Washington, D.C., and the use of the latest technology to connect existing and planned women's history sites, museums, and libraries.

(b) The Commission shall meet to carry out its work concerning the celebration of women in American history.

(c) The Commission shall report its recommendations, through the Co-Chairs of the Commission, in a final report to the President by March 1, 1999.

Sec. 3. *Administration.* (a) The heads of executive departments and agencies shall, to the extent permitted by law and where practicable, provide the Co-Chairs of the Commission with such information with respect to women's history in America as the Co-Chairs may request.

(b) Members of the Commission shall serve without compensation for their work on the Commission. While engaged in the work of the Commission, members appointed from the private sector may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701–5707).

(c) To the extent permitted by law and subject to the availability of appropriations, the General Services Administration shall provide the Commission with funding, administrative services, facilities, staff, and other support services necessary for the performance of the functions of the Commission. With respect to the Commission, the Administrator of General Services shall perform the administrative functions of the President under the Federal Advisory Committee Act, as amended, except that of reporting to the Congress.

(d) The Commission shall terminate 60 days after the submission of its final report.



THE WHITE HOUSE,
June 29, 1998.

[FR Doc. 98-17828

Filed 6-30-98; 3:34 pm]

Billing code 3195-01-P

Presidential Documents

Executive Order 13091 of June 29, 1998

Administration of Arms Export Controls and Foreign Assistance

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and in order to delegate certain authority to the Secretary of State and the Secretary of Defense, it is hereby ordered as follows:

Section 1. Section 1 of Executive Order 11958, as amended, is further amended as follows:

(a) in subsection (k), by inserting after "State." "Those under Section 36(e) of the Act, as added by Public Law 104-164 with respect to transmittals pursuant to Section 36(b) to the Secretary of Defense, and with respect to transmittals pursuant to Section 36(c), to the Secretary of State.", and

(b) by redesignating subsections (n) through (s) as subsections (o) through (t), respectively, and inserting the following after subsection (m):

"(n) Those under Section 40A of the Act, as added by Public Law 104-164, to the Secretary of State insofar as they relate to commercial exports licensed under the Act, and to the Secretary of Defense insofar as they relate to defense articles and defense services sold, leased, or transferred under the Foreign Military Sales Program."

Sec. 2. Section 1-201 of Executive Order 12163, as amended, is further amended as follows:

(a) in subsection (a)(13),

(1) by inserting the following before "and sections":

" , section 620G as added by Public Law 104-164"; and

(2) by inserting the following after "law":

" , except that the functions under section 620G as added by Public Law 104-164 shall be exercised in consultation with the Secretary of Defense";

(b) in subsection (a)(23), by deleting " , except" and all that follows through "thereof"; 2

(c) by redesignating subsections (a)(18) through (36) as (a)(19) through (37), respectively; and

(d) by inserting the following new subsection after subsection (a)(17):

"(18) section 655 of the Act, insofar as they relate to defense articles and defense services licensed for export under section 38 of the Arms Export Control Act:".

Sec. 3. Section 1-301 of Executive Order 12163, as amended, is further amended by:

(a) redesignating subsections (e) through (g) as subsections(f) through (h), respectively; and

(b) inserting the following new subsection (e):

"(e) the functions under section 655 of the Act insofar as they relate to defense articles, defense services, and international military education and training furnished by grant or sale by the Secretary of Defense, except to the extent otherwise delegated."

Sec. 4. Section 1-501 of Executive Order 12163, as amended, is further amended:

(a) in subsection (a)(2) by striking “and”; and

(b) in subsection (a)(3) after “1754)” by inserting the following:

“; and (4) section 655(c) of the Act”.



THE WHITE HOUSE,

June 29, 1998.

[FR Doc. 98-17829

Filed 7-1-98; 8:45 am]

Billing code 3195-01-P

Rules and Regulations

Federal Register

Vol. 63, No. 127

Thursday, July 2, 1998

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 97-101-2]

Imported Fire Ant Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the imported fire ant regulations by designating as quarantined areas nine counties in Arkansas. This action expands the areas quarantined for imported fire ant and imposes certain restrictions on the interstate movement of regulated articles from those areas. This action is necessary to prevent the artificial spread of the imported fire ant to noninfested areas of the United States.

DATES: Interim rule effective July 2, 1998. Consideration will be given only to comments received on or before August 31, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97-101-2, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 97-101-2. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Milberg, Operations Officer, Operational Support, PPQ, APHIS, 4700

River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-5255; or e-mail: ron.p.milberg@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The imported fire ant regulations (contained in 7 CFR 301.81 through 301.81-10, and referred to below as the regulations) quarantine infested States or infested areas within States and impose restrictions on the interstate movement of certain regulated articles for the purpose of preventing the artificial spread of the imported fire ant.

The imported fire ant, *Solenopsis invicta* Buren and *Solenopsis richteri* Forel, is an aggressive, stinging insect that, in large numbers, can seriously injure or even kill livestock, pets, and humans. The imported fire ant feeds on crops and builds large, hard mounds that damage farm and field machinery. The imported fire ant is not native to the United States. The regulations prevent the imported fire ant from spreading throughout its ecological range within this country.

The regulations in § 301.81-3 provide that the Administrator of the Animal and Plant Health Inspection Service (APHIS) will list as a quarantined area each State, or each portion of a State, that is infested with imported fire ant. The Administrator will designate less than an entire State as a quarantined area only under the following conditions: (1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles listed in § 301.81-2 that are equivalent to the interstate movement restrictions imposed by the regulations; and (2) designating less than the entire State will prevent the spread of the imported fire ant. The Administrator may include uninfested acreage within a quarantined area due to its proximity to an infestation or its inseparability from an infested locality for quarantine purposes.

We are amending § 301.81-3(e) by designating the following entire counties in Arkansas as quarantined areas: Desha, Garland, Howard, Jefferson, Lincoln, Pike, Pulaski, Saline, and Sevier Counties. We are taking this action because recent surveys conducted by APHIS and State and county agencies reveal that the imported fire ant has spread to these areas. See the rule portion of this document for

specific descriptions of the new quarantined areas.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the artificial spread of the imported fire ant into noninfested areas of the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon publication in the **Federal Register**. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This interim rule affects the interstate movement of regulated articles from all of nine counties in Arkansas. Affected entities include nurserymen, sod and hay growers, farm equipment dealers, construction companies, and others who sell, process, or move regulated articles interstate. There are approximately 260 establishments within the newly regulated areas that could be affected by this interim rule; nearly 99 percent of these are small entities. However, most of the sales for these entities are local intrastate or within the regulated area, and would not be affected by this rule.

The effect on those entities that do move regulated articles interstate is minimized by the availability of various treatments that, in most cases, will permit the movement of regulated articles with very little additional cost. Treatment costs range between \$30 and \$50 per shipment. The total projected annual cost of treatment required as a result of this rule is approximately \$1,200. In 1992, the sales of nursery

stock, sod, hay, and other regulated articles in the newly regulated areas had a market value of approximately \$4.06 million. The potential costs to affected entities of treatments required as a result of this rule are minimal compared to the total value of regulated articles sold in these areas.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this program. The assessment provides a basis for the conclusion that the methods employed to regulate the imported fire ant will not significantly affect the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through

Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Incorporation by reference, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.81–3, paragraph (e), the list of quarantined areas is amended by adding, in alphabetical order, entries for Garland, Pike, Pulaski, Saline, and Sevier Counties in Arkansas and by revising the entries for Desha, Howard, Jefferson, and Lincoln Counties in Arkansas to read as set forth below.

§ 301.81–3 Quarantined areas.

* * * * *

(e) * * *

* * * * *

ARKANSAS

* * * * *

Desha County. The entire county.

* * * * *

Garland County. The entire county.

* * * * *

Howard County. The entire county.

Jefferson County. The entire county.

* * * * *

Lincoln County. The entire county.

* * * * *

Pike County. The entire county.

Pulaski County. The entire county.

Saline County. The entire county.

Sevier County. The entire county.

* * * * *

Done in Washington, DC, this 26th day of June 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–17634 Filed 7–1–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

Guaranteed Production Plan of Fresh Market Tomato; Correction

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to the final regulation which was published in the **Federal Register** on Thursday, May 1, 1997 (62 FR 23628–23634), and subsequently corrected on June 20, 1997 (62 FR 33539). The regulation pertains to the Guaranteed Production Plan of Fresh Market Tomato Regulations.

EFFECTIVE DATE: June 21, 1997.

FOR FURTHER INFORMATION CONTACT:

Louise Narber, Insurance Management Specialist, Research and Development, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131, telephone (816) 926–7730.

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of this correction was intended to provide policy changes to better meet the needs of the insured and include the current Fresh Market Tomato (Guaranteed Production Plan) Crop Insurance Regulations with the Common Crop Insurance Policy for ease of use and consistency of terms.

Need for Correction

As published, the final regulation and the subsequent final rule correction contain errors which may prove to be misleading and need to be clarified. The calendar dates for the end of the insurance period are being further corrected to designate November 10 instead of September 20 as the correct calendar date for the end of the insurance period in the states of Florida and Georgia. As currently stated in policy, the insurance period is only 31 days. Fall tomatoes require approximately 70 days from planting to maturity.

List of Subjects in 7 CFR Part 457

Crop insurance, Fresh market tomato (guaranteed production plan).

Accordingly, 7 CFR part 457 is corrected by making the following correcting amendment:

**PART 457—COMMON CROP
INSURANCE REGULATIONS;
REGULATIONS FOR THE 1998 AND
SUBSEQUENT CONTRACT YEARS**

1. The authority citation for part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(l), 1506(p).

§ 457.128 [Corrected]

2. In § 457.128, paragraph 10(b)(7) is further corrected to read as follows: "October 31 of the crop year in California, November 10 of the crop year in Florida and Georgia, and September 20 of the crop year in all other states."

Signed in Washington D.C., on June 26, 1998.

Joy Harwood,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 98-17636 Filed 7-1-98; 8:45 am]

BILLING CODE 3410-08-P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

Dry Pea; Correction

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to the final regulation which was published in the **Federal Register** on Tuesday, December 16, 1997 (62 FR 65741-65747). The regulation pertains to the Dry Pea Crop Insurance Provisions.

EFFECTIVE DATE: July 1, 1998.

FOR FURTHER INFORMATION CONTACT:

Arden Routh, Insurance Management Specialist, Research and Development, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131, telephone (816) 926-7730.

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of this correction was intended to provide policy changes to better meet the needs of the insured and include the pea crop insurance regulations with the Common Crop Insurance Policy for ease of use and consistency of terms.

Need for Correction

As published, the final regulation contained an error which may prove misleading. The local market price definition was based on the cash price

per pound for U.S. No. 2 grade of dry peas and is being corrected to be based on the cash price per pound for U.S. No. 1 grade of dry peas. Dry Pea production that is eligible for quality adjustment is based on production grading U.S. No. 2 or worse; therefore, any production not grading U.S. No. 1 is eligible for quality adjustment. The local market price must be based on the U.S. No. 1 grade rather than U.S. No. 2. The value of the damaged or conditioned production is divided by the local market price (based on U.S. No. 1 grade) to calculate the quality adjustment factor under section 12(e) of the crop provisions.

List of Subjects in 7 CFR Part 457

Crop insurance, Dry pea.

Accordingly, 7 CFR part 457 is corrected by making the following correcting amendment:

**PART 457—COMMON CROP
INSURANCE REGULATIONS;
REGULATIONS FOR THE 1998 AND
SUBSEQUENT CONTRACT YEARS**

1. The authority citation for part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(l), 1506(p).

§ 457.140 [Corrected]

2. In § 457.140, section 1 of the policy pertaining to the definition of "Local market price" is corrected by removing the phrase "U.S. No. 2", in the first and second sentences, and replacing it with "U.S. No. 1".

Signed in Washington D.C., on June 26, 1998.

Joy Harwood,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 98-17637 Filed 7-1-98; 8:45 am]

BILLING CODE 3410-08-P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Rural Business-Cooperative Service

Rural Utilities Service

Farm Service Agency

7 CFR Part 1980

RIN 0560-AE92

**Subordination of Direct Loan Basic
Security To Secure a Guaranteed Line
of Credit; Correction**

AGENCIES: Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, Farm Service Agency, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects the amendatory language contained in the final rule published April 24, 1998, regarding approving a subordination of direct loan security when another lender will be making a line of credit guaranteed by the Agency with a Contract of Guarantee-Line of Credit. This correction clarifies that the conditions applicable to a subordination of direct loan basic security do not apply to the subordination of direct loan normal income security. This correction will apply retroactively to those lines of credit approved since the effective date of the final rule.

EFFECTIVE DATE: May 26, 1998.

FOR FURTHER INFORMATION CONTACT:

Phillip Elder (202) 690-4012; Electronic mail: pelder@wdc.fsa.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The final rule being corrected by this publication was intended to allow subordination of direct loan basic chattel and real estate security to secure a guaranteed line of credit in certain cases, to allow subordinations for refinancing purposes and to remove a loan maximum limitation that had been repealed.

Need for Correction

As published, the final rule had the unintentional effect of greatly increasing the conditions that must be met for the Agencies to subordinate direct loan normal income security when making a guaranteed line of credit. These extra conditions were intended to apply only to subordinations of basic security when making a guaranteed line of credit. As stated in the final rule discussion of the fourth comment received, "Regardless, the limitations included in § 1980.108(a) will allow subordinations of direct loan basic security in only those cases where the likelihood of a Government loss on the direct loan is small." The extra conditions were not to be applied to subordinations of normal income security. The definitions of normal income and basic security are contained in § 1962.4 of Title 7. Also, as part of this correction, the first extra condition in § 1980.108(a)(1)(vi) is clarified to more clearly state that the required loan to value ratio is to be calculated based on all of the borrower's direct loans and all of the loan security and is not calculated on a single loan basis for multiple loan borrowers.

Correction of Publication

In the final rule published in **Federal Register**, 63 FR 20295-20299, on April 24, 1998, make the following corrections in the amendatory language section: At

63 FR 20298, in the third column, § 1980.108, introductory paragraph (a)(1)(vi) and the first sentence of paragraph (a)(1)(vi)(A), should be corrected to read as follows:

§ 1980.108 General provisions.

- (a) * * *
(1) * * *

(vi) The Agency may subordinate direct loan basic security under paragraph (a)(1)(v)(D) of this section only when both of the following additional conditions are met:

(A) The total unpaid principal and interest balance of all of the borrower's direct loans secured by the property being subordinated is less than or equal to 75 percent of the value of all of the basic security for the direct loan, excluding the value of growing crops or planned production, on the date the Agency approves the subordination.
* * *

Signed at Washington, DC, on June 22, 1998.

August Schumacher Jr.,

Under Secretary for Farm and Foreign Agricultural Services.

Dated: June 10, 1998.

Jill Long Thompson,

Under Secretary for Rural Development.

[FR Doc. 98-17562 Filed 7-1-98; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-121-AD; Amendment 39-10642; AD 98-14-09]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737-100, -200, -200C Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 737-100, -200, and -200C series airplanes. This action requires repetitive inspections to detect fatigue cracking and certain discrepancies of the forward engine mount support (FEMS) fitting and its attachments, and repair, if necessary. This amendment is prompted by reports of fatigue cracks on the lower flange of the FEMS fitting, broken bolts and bolts with loose or detached nuts on the upper inboard attachment of the

FEMS fitting, and cracked or severed lugs at the outboard support link attachment of the FEMS fitting. The actions specified in this AD are intended to detect and correct fatigue cracking and certain discrepancies of the FEMS fitting and its attachments, which could result in an in-flight separation of an engine.

DATES: Effective July 17, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 17, 1998.

Comments for inclusion in the Rules Docket must be received on or before August 31, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-121-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Gregory L. Schneider, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2028; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION: The FAA has received reports of certain problems affecting the forward engine mount support (FEMS) fitting on certain Boeing Model 737 series airplanes. This support fitting is one of the primary structural elements that attach the engine to the wing. The reports indicate that three critical elements of the FEMS fitting have proved to be susceptible to fatigue damage or other problems as summarized below:

- Lower Flange of the FEMS Fitting:

The FAA has received 17 reports of cracks of the lower flange "I" section of the FEMS fitting. Analysis indicates that the cracks were initiated by fatigue. A FEMS fitting that has a cracked lower flange may not be capable of withstanding certain limit load conditions.

- Upper Inboard Attachment Bolt:

There have been 13 cases of the upper inboard attachment bolt fracturing in service due to fatigue, and 4 cases of the

nut being broken, loose, or detached. Investigation revealed that the original production bolt installation was subject to relative motion between the bushing and the attachment bolt. As a result, the production nut (which has no secondary locking features) tended to come loose in service. A later configuration change that was intended to correct this problem consisted of installing a stronger bolt and nut, and a new bushing. This change, which has subsequently been adopted by almost the entire fleet of affected airplanes, requires the nut to be torqued to a higher value than is appropriate for the bolt and nut installation. Specifically, the torque applied to the new nut is applicable to a "non-lubricated" thread condition, whereas the nut material tends to act as a "dry" lubricant. Consequently, the higher torque applied to the new bolt and nut configuration induces an excessive pre-load on the bolt threads. This excessive pre-load, in conjunction with certain operational loads, causes an overload condition on the bolt threads, which in turn leads to premature fatigue cracking of the bolt. Additionally, results of an analysis indicate that the FEMS fitting cannot react certain limit load conditions with a fractured or detached bolt at this location.

- Upper Outboard Lug of the FEMS Fitting:

The upper outboard lug of the FEMS fitting contains a bearing that has proved susceptible to excessive wearing. This lug is designed to secure the outboard end of the FEMS fitting to the wing. A severely worn bearing could drastically reduce the fatigue life of the lug. This condition has been observed on six airplanes to date; on three of those airplanes the lug was found to be completely fractured. Analysis has revealed that the FEMS fitting cannot react certain limit load conditions with a severed lug.

Explanation of the Unsafe Condition

The fatigue cracking problems that affect the three areas of the FEMS fitting are examples of "multiple element damage." The existence of any one of these conditions could result in an engine separation under certain limit load conditions. The simultaneous existence of any two conditions could result in an immediate engine loss at loads that are much lower than the design limit loads. These problems, if not corrected, could result in an in-flight separation of an engine.

Explanation of Relevant Service Information

The FAA has reviewed and approved the following three service bulletins:

- Boeing Service Bulletin 737-54A1012, Revision 4, dated March 26, 1998, addresses fatigue cracking of the lower flange of the FEMS fitting. The service bulletin notes that the fatigue cracking problem affects only "older-type" FEMS fittings that have a lower flange thickness of 0.32 inches (nominal). Therefore, the service bulletin describes procedures for performing repetitive detailed visual inspections of the lower flange of the "older-type" FEMS fitting to detect fatigue cracking, and corrective action, if necessary. The corrective action includes replacement of the "older-type" FEMS fitting with a "newer-type" FEMS fitting, which would eliminate the need for the repetitive detailed visual inspections. These inspections are not required on "newer-type" FEMS fittings [i.e., those FEMS fittings having lower flanges that are 0.40 inches (nominal) thick], since there have been no reports of fatigue cracking of the lower flange of these parts.

- Boeing Service Bulletin 737-54-1007, Revision 1, dated March 26, 1998, describes procedures for performing repetitive detailed visual inspections of the upper inboard attachment of the FEMS fitting to detect bolt deformation or fatigue damage. Additionally, the service bulletin recommends that operators perform a torque check during each inspection to ensure that the nut and bolt installation has retained its integrity. The service bulletin also describes procedures for an initial and two follow-on ultrasonic inspections of the bolt to detect fatigue cracking, and replacement of any discrepant part.

The service bulletin recommends that, if the three successive ultrasonic inspections (i.e., the initial and the two follow-on inspections) reveal that the bolt is undamaged, the need for further ultrasonic inspections would be eliminated. In addition, the service bulletin describes procedures for replacement of the bolt and nut installation with a new Nickel Alloy 718 bolt and associated nut, which would eliminate the need for the repetitive detailed visual inspections and torque checks.

- Boeing Service Bulletin 737-54-1009, Revision 1, dated March 26, 1998, describes procedures for repetitive detailed visual inspections of the lug of the outboard support link attachment of the FEMS fitting to detect cracked or severed lugs; and corrective action, if necessary. The service bulletin notes

that some of the lug structure will not be visible during the detailed visual inspection. If a crack is detected, the corrective action is to replace the cracked FEMS fitting with a "newer-type" FEMS fitting and to install a new bearing. The service bulletin also describes procedures for an optional preventive modification, which entails removing the engine, installing a new bearing, and re-installing the existing fitting (provided that a magnetic particle inspection shows that the lug of the existing FEMS fitting is free of cracks).

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to detect and correct fatigue cracking and certain discrepancies of the FEMS fitting and its attachments, which could result in an in-flight separation of an engine. This AD requires accomplishment of the actions specified in the service bulletins described previously, except as discussed below. This AD also requires that operators report any adverse (negative) inspection findings to the FAA.

Differences Between the AD and the Service Bulletins

Boeing Service Bulletin 737-54A1012, Revision 4, specifies that if cracking of the lower flange of the FEMS fitting is found, the cracked FEMS fitting should be replaced with a "newer-type" FEMS fitting. Such installation of a "newer-type" FEMS fitting would constitute terminating action for the repetitive detailed visual inspection requirements of this AD. However, since sufficient parts may not be available for all of the affected airplanes, this AD allows operators to install either an "older-type" FEMS fitting that is "serviceable," or a "newer-type" FEMS fitting. The installation of a "serviceable" FEMS fitting instead of a "newer-type" FEMS fitting would not terminate the repetitive detailed visual inspections required by this AD. Rather, these inspections would continue until a "newer-type" FEMS fitting is installed. For the purposes of this AD, a "serviceable" FEMS fitting is defined as an "older-type" FEMS fitting that has been shown to be free of cracks by means of a magnetic particle inspection. This AD also requires operators to perform the magnetic particle inspection in accordance with a method approved by the FAA.

Although Boeing Service Bulletin 737-54-1007, Revision 1, advises operators to examine the nut of the

FEMS fitting inboard attachment for looseness, it does not provide procedures for determining if the nut is too tight. This AD requires operators to examine the nut for both looseness and excessive tightness. This AD also requires that, if the nut is found to be too loose or too tight, the nut is to be re-torqued to a value of 440 to 650 pound-inches, provided that a run-on torque value of at least 18 pound-inches can be achieved. If the run-on torque value cannot be achieved, the nut is to be replaced with a new nut. This run-on torque check is to be accomplished by loosening the nut sufficiently to demonstrate that a minimum run-on torque value of 18 pound-inches can be achieved. Finally, this AD requires operators to perform this same run-on torque check on any new nut that is installed on the bolt. If a new nut should fail the 18 pound-inches minimum requirement, then this would imply that the bolt thread was defective. Therefore, if this were to occur, this AD requires the operator to replace the existing bolt installation with a stronger bolt installation in accordance with the service bulletin.

Boeing Service Bulletin 737-54-1009, Revision 1, specifies that the manufacturer may be contacted for disposition of certain repair conditions (i.e., for a repair of a cracked lug). However, this AD requires that the repair of those conditions be accomplished in accordance with a method approved by the FAA.

Previously Modified Airplanes

Each of the three Boeing service bulletins specified in this AD contains the following statement: "If an airplane has a non-Boeing modification or repair that affects a component or system affected by this service bulletin, the operator is responsible for obtaining appropriate regulatory agency approval before incorporating this service bulletin."

The FAA is aware that a certain proportion of the airplanes listed in the effectivity sections of the three service bulletins have already been modified by certain non-Boeing engine hush-kit supplemental type certificates (STC). The FAA has determined that the following hush-kit STC's are compatible with the service bulletins; therefore, operators of airplanes modified with the following STC's need not seek prior FAA approval before accomplishing the requirements of this AD.

- SA5730NM, issued June 22, 1992; amended October 2, 1992.

- ST00131SE, issued November 8, 1994; amended January 26, 1995; May

13, 1996; September 13, 1996; and February 20, 1997.

- ST223CH, issued July 7, 1994; amended August 11, 1994; December 19, 1994; May 30, 1995; and October 14, 1997.

Interim Action

This is considered to be interim action. The FAA is currently considering requiring replacement of the attachment bolt installation and the bearing with new and improved replacement parts. However, the planned compliance time for installation of new and improved parts is sufficiently long that notice and opportunity for prior public comment will be practicable.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must

submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-121-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98-14-09 Boeing: Amendment 39-10642. Docket 98-NM-121-AD.

Applicability: Model 737-100, -200, -200C series airplanes, manufacturer's line

positions 001 through 1585 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Note 2: The performance of the requirements of this AD is not affected by modifications in accordance with the following supplemental type certificates (STC's).

- SA5730NM, issued June 26, 1992; amended October 2, 1992.
- ST00131SE, issued November 8, 1994; amended January 26, 1995; May 13, 1996; September 13, 1996; and February 20, 1997.
- ST223CH, issued July 7, 1994; amended August 11, 1994; December 19, 1994; May 30, 1995; and October 14, 1997.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking and certain discrepancies of the forward engine mount support (FEMS) fitting and its attachments, which could result in an in-flight separation of an engine, accomplish the following:

(a) For airplanes on which a "newer-type" FEMS fitting having part number (P/N) 65-46850-9/-10 or 65-46850-13/-14 has not been installed: Within 90 days or 700 flight cycles after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect fatigue cracking of the lower flange of the FEMS fitting, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737-54A1012, Revision 4, dated March 26, 1998.

(1) If no fatigue cracking of the lower flange of the FEMS fitting is found, or if a "serviceable" FEMS fitting is installed in lieu of a "newer-type" FEMS fitting, repeat the inspection thereafter at intervals not to exceed 700 flight cycles in accordance with the service bulletin.

Note 3: For the purposes of this AD, a "serviceable" FEMS fitting is defined as an "older-type" FEMS fitting that is free of cracking, as shown by a magnetic particle inspection performed in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(2) If any cracking of the lower flange of the FEMS fitting is found, prior to further flight, replace the FEMS fitting with a "serviceable" or a "newer-type" FEMS fitting in accordance with the service bulletin. Replacement of this part with a "newer-type" FEMS fitting constitutes terminating action for the repetitive inspection requirements of paragraph (a)(1) of this AD.

(b) Within 90 days or 700 flight cycles after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect deformation or fatigue damage of the bolt at the upper inboard attachment of the FEMS fitting; perform a torque check to detect any bolt that is under- or over-torqued; and perform an ultrasonic inspection to detect any cracking of the bolt; in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737-54-1007, Revision 1, dated March 26, 1998.

(1) If no bolt deformation or fatigue damage, under- or over-torqued nut, or fatigue cracking is found: Thereafter, repeat the detailed visual inspection and torque check required by paragraph (b) of this AD at intervals not to exceed 700 flight cycles. Additionally, repeat the ultrasonic inspection two more times at intervals not to exceed 700 flight cycles, but no earlier than 600 flight cycles.

(2) If any deformation, fatigue damage, or fatigue cracking of the inboard attachment bolt is found during any inspection required by this paragraph: Prior to further flight, replace the inboard attachment bolt and nut with a new Nickel Alloy 718 bolt and associated nut in accordance with the service bulletin. Replacement of the inboard attachment bolt and nut in accordance with the service bulletin constitutes terminating action for the repetitive inspection requirements of paragraphs (b)(1), (b)(2), and (b)(3) of this AD.

(3) If the torque check shows that a nut is torqued to any value outside the limits of 440 to 650 pound-inches, prior to further flight, accomplish paragraphs (b)(3)(i) and (b)(3)(ii) of this AD.

(i) Loosen the affected nut enough to demonstrate that a minimum run-on torque value of 18 pound-inches can be achieved. If this value cannot be achieved, install a new nut in accordance with the service bulletin, and repeat the run-on torque check prior to tightening the nut to 440-650 inch pounds. If a run-on torque value of 18 pound-inches still cannot be achieved, prior to further flight, replace the inboard attachment bolt and nut with a new Nickel Alloy 718 bolt and associated nut in accordance with the service bulletin.

(ii) Tighten the affected nut to 440-650 pound-inches in accordance with the service bulletin.

(c) Within 90 days or 700 flight cycles after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect any cracked or severed lug of the outboard support link attachment of the FEMS fitting, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737-54-1009, Revision 1, dated March 26, 1998.

(1) If no cracked or severed lug is detected: Repeat the detailed visual inspection required by paragraph (c) thereafter at intervals not to exceed 700 flight cycles, or perform the optional terminating modification, in accordance with Part II of the Accomplishment Instructions of the service bulletin. Where the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, repair in accordance with a

method approved by the Manager, Seattle ACO. Accomplishment of this modification constitutes terminating action for the repetitive inspection requirements of paragraph (c) of this AD.

(2) If any cracked or severed lug is found, prior to further flight, accomplish the requirements of paragraphs (c)(2)(i) and (c)(2)(ii) of this AD.

(i) Replace the FEMS fitting with a "serviceable" or a "newer-type" FEMS fitting in accordance with Accomplishment Instructions of Boeing Service Bulletin 737-54A1012, Revision 4, dated March 26, 1998. Replacement of the FEMS fitting with a "newer-type" FEMS fitting in accordance with the service bulletin constitutes terminating action for the repetitive inspection requirements of paragraph (a) of this AD.

(ii) Install a new bearing, which is inserted into the lug of the replacement FEMS fitting, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737-54-1009, Revision 1, dated March 26, 1998. Replacement of the existing bearing with an improved bearing constitutes terminating action for the repetitive inspection requirements of the lug that are specified in paragraph (c) of this AD.

(d) Within 20 days after accomplishing the initial inspections required by paragraphs (a), (b), and (c) of this AD, or within 20 days after the effective date of this AD, whichever occurs later, submit a report of the inspection results (adverse findings only) to the Manager, Seattle ACO, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; fax (425) 227-1181. Required information for each report must include the following: A description of the adverse finding, airplane serial number and total flight cycles and flight hours accumulated, number of flight cycles and flight hours accumulated since the last engine change, and the number of flight cycles and flight hours accumulated since the last inspection of the affected part. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) Except as provided in paragraph (c)(1) of this AD, the actions shall be done in

accordance with Boeing Service Bulletin 737-54A1012, Revision 4, dated March 26, 1998; Boeing Service Bulletin 737-54-1007, Revision 1, dated March 26, 1998; and Boeing Service Bulletin 737-54-1009, Revision 1, dated March 26, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on July 17, 1998.

Issued in Renton, Washington, on June 25, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-17523 Filed 7-1-98; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-ASO-6]

Amendment of Class E Airspace; Daytona Beach, FL; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects an error in the geographic position coordinates of a final rule that was published in the **Federal Register** on June 19, 1998, (63 FR 33544) Airspace Docket No. 98-ASO-6. The final rule modified Class E airspace at Daytona Beach, FL.

EFFECTIVE DATE: 0901 UTC, August 13, 1998.

FOR FURTHER INFORMATION CONTACT:

Nancy B. Shelton, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5586.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 98-16355, Airspace Docket No. 98-ASO-6, published on June 19, 1998 (63 FR 33544), amended the Class E surface area airspace at Daytona Beach, FL. A VHF Omnidirectional Range (VOR) or Global Positioning System (GPS) Runway (RWY) 17 Standard Instrument Approach Procedure (SIAP) has been developed for Ormond Beach Municipal

Aiport. The geographic position coordinates as published in the **Federal Register** on June 19, 1998, for the Daytona Beach, FL, Spruce Creek Airport are incorrect. This action corrects that error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the geographic position coordinates at Daytona Beach, FL, as published in the **Federal Register** on June 19, 1998 (63 FR 33544), (FR 98-16355) and the description in FAA Order 7400.9E, which is incorporated by reference in 14 CFR 71.1, are corrected as follows:

§ 71.1 [Corrected]

ASO FL E5 Daytona Beach, FL [Corrected]

On page 33544, in column 3, in the Daytona Beach, FL, airspace, under Spruce Creek Airport, correct "(Lat. 20°04'49"N., long. 81°03'27"W.)" to read "(Lat. 29°04'49"N., long. 81°02'48"W.)".

Issued in College Park, Georgia, on June 22, 1998.

Nancy B. Shelton,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 98-17489 Filed 7-1-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29262; Amdt. No. 1877]

RIN 2120-AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAP's) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under

instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAP's, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125); telephone: (405) 954-4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAP's. The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Form 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAP's, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAP's, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR sections, with the types and effective dates of the SIAP's. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAP's contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAP's, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with a Global Positioning System (GPS) and/or Flight Management System (FMS) equipment. In consideration of the above, the applicable SIAP's will be altered to include "or GPS or FMS" in the title without otherwise reviewing or modifying the procedure. (Once a stand alone GPS or FMS procedure is developed, the procedure title will be altered to remove "or GPS or FMS" from these non-localizer, non-precision instrument approach procedure titles.)

The FAA has determined through extensive analysis that current SIAP's intended for use by Area Navigation (RNAV) equipped aircraft can be flown by aircraft utilizing various other types of navigational equipment. In consideration of the above, those SIAP's currently designated as "RNAV" will be redesignated as "VOR/DME RNAV" without otherwise reviewing or modifying the SIAP's.

Because of the close and immediate relationship between these SIAP's and safety in air commerce, I find that notice and public procedure before adopting these SIAP's are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAP's effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports,
Navigation (air).

Issued in Washington, DC on June 26, 1998.

Tom E. Stuckey,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113–40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

2. Amend 97.23, 97.27, 97.33 and 97.35, as appropriate, by adding, revising, or removing the following SIAP's, effective at 0901 UTC on the dates specified:

* * * *Effective August 13, 1998*

Barrow, AK, Wiley Post-Will Rogers Mem, NDB or GPS RWY 6, Amdt 5A CANCELLED

Barrow, AK, Wiley Post-Will Rogers Mem, NDB RWY 6, Amdt 5A

Barrow, AK, Wiley Post-Will Rogers Mem, NDB or GPS RWY 24, Amdt 6 CANCELLED

Barrow, AK, Wiley Post-Will Rogers Mem, NDB RWY 24, Amdt 6

Galena, AK, Galena/Edward G. Pitka, VOR/DME or TACAN or GPS RWY 7, Amdt 6B CANCELLED

Galena, AK, Galena/Edward G. Pitka, VOR/DME or TACAN RWY 7, Amdt 6B

Galena, AK, Galena/Edward G. Pitka, VOR or GPS RWY 25, Amdt 9C CANCELLED

Galena, AK, Galena/Edward G. Pitka, VOR RWY 25, Amdt 9C

Kenai, AK, Kenai Muni, VOR/DME or GPS RWY 1, Amdt 5 CANCELLED

Kenai, AK, Kenai Muni, VOR/DME RWY 1, Amdt 5

Kenai, AK, Kenai Muni, VOR or GPS RWY 19, Amdt 15 CANCELLED

Kenai, AK, Kenai Muni, VOR RWY 19, Amdt 15

Koyuk, AK, Koyuk, NDB/DME, RWY 36, Orig CANCELLED

Koyuk, AK, Koyuk, NDB/DME or GPS, RWY 36, Orig

Nome, AK, Nome, VOR/DME or GPS RWY 9, Orig B CANCELLED

Nome, AK, Nome, VOR/DME RWY 9, Orig B

Nome, AK, Nome, VOR or GPS RWY 27, Orig A CANCELLED

Nome, AK, Nome, VOR RWY 27, Orig A

Nome, AK, Nome, NDB/DME or GPS-1 RWY 2, Orig A CANCELLED

Nome, AK, Nome, NDB/DME-1 RWY 2, Orig A

Unalakleet, AK, Unalakleet, NDB or GPS RWY 14, Amdt 1A CANCELLED

Unalakleet, AK, Unalakleet, NDB RWY 14, Amdt 1A

Yakutat, AK, Yakutat, VOR or GPS RWY 11, Amdt 11A CANCELLED

Yakutat, AK, Yakutat, VOR RWY 11, Amdt 11A

Yakutat, AK, Yakutat, VOR or GPS RWY 29, Amdt 3A CANCELLED

Yakutat, AK, Yakutat, VOR RWY 29, Amdt 3A

Tanana, AK, Ralph M. Calhoun Memorial, VOR/DME or GPS RWY 6, Orig CANCELLED

Tanana, AK, Ralph M. Calhoun Memorial, VOR/DME RWY 6, Orig

Tuscaloosa, AL, Tuscaloosa Muni, VOR or TACAN or GPS RWY 22, Amdt 13A CANCELLED

Tuscaloosa, AL, Tuscaloosa Muni, VOR or TACAN RWY 22, Amdt 13A

Tuscaloosa, AL, Tuscaloosa Muni, NDB or GPS RWY 4, Amdt 10A CANCELLED

Tuscaloosa, AL, Tuscaloosa Muni, NDB RWY 4, Amdt 10A

Hot Springs, AR, Memorial Field, VOR or GPS-2 RWY 5, Amdt 3 CANCELLED

Hot Springs, AR, Memorial Field, VOR-2 RWY 5, Amdt 3

Osceola, AR, Osceola Muni, NDB RWY 19, Orig-A CANCELLED

Osceola, AR, Osceola Muni, NDB or GPS RWY 19, Orig-A

Colorado City, AZ, Colorado City Muni, NDB-A, Orig CANCELLED

Colorado City, AZ, Colorado City Muni, NDB or GPS-A, Orig

Camarillo, CA, Camarillo, VOR or GPS RWY 26, Amdt 4 CANCELLED

Camarillo, CA, Camarillo, VOR RWY 26, Amdt 4

Delano, CA, Delano Muni, VOR or GPS RWY 32, Amdt 6 CANCELLED

Delano, CA, Delano Muni, VOR RWY 32, Amdt 6

Merced, CA, Merced Muni-Macready Field, VOR or GPS RWY 12, Amdt 6 CANCELLED

Merced, CA, Merced Muni-Macready Field, VOR RWY 12, Amdt 6

Merced, CA, Merced Muni-Macready Field, VOR or GPS RWY 30, Amdt 17A CANCELLED

Merced, CA, Merced Muni-Macready Field, VOR RWY 30, Amdt 17A

Modesto, CA, Modesto City-County Airport-Harry Sham Field, VOR or GPS RWY 28R, Amdt 10A CANCELLED

Modesto, CA, Modesto City-County Airport-Harry Sham Field, VOR RWY 28R, Amdt 10A

Modesto, CA, Modesto City-County Airport-Harry Sham Field, VOR RWY 28R, Amdt 10A

Oxnard, CA, Oxnard, VOR/DME or GPS RWY 7, Orig CANCELLED

Oxnard, CA, Oxnard, VOR/DME RWY 7, Orig

Oxnard, CA, Oxnard, VOR or GPS RWY 25, Amdt 8 CANCELLED

Oxnard, CA, Oxnard, VOR RWY 25, Amdt 8

San Bernardino, CA, San Bernardino Intl, NDB RWY 6, Orig CANCELLED

San Bernardino, CA, San Bernardino Intl, NDB or GPS RWY 6, Orig

Visalia, CA, Visalia Muni, VOR or GPS RWY 12, Amdt 5 CANCELLED

Visalia, CA, Visalia Muni, VOR RWY 12, Amdt 5

Visalia, CA, Visalia Muni, NDB or GPS RWY 30, Amdt 3 CANCELLED

Visalia, CA, Visalia Muni, NDB RWY 30, Amdt 3

Grand Junction, CO, Walker Field, VOR or GPS RWY 11, Amdt 1 CANCELLED

Grand Junction, CO, Walker Field, VOR RWY 11, Amdt 1

Cross City, FL, Cross City, VOR RWY 31, Amdt 17 CANCELLED

Cross City, FL, Cross City, VOR or GPS RWY 31, Amdt 17

Gainesville, FL, Gainesville Regional, VOR/DME RNAV or GPS RWY 28, Amdt 5 CANCELLED

Gainesville, FL, Gainesville Regional, VOR/DME RNAV RWY 28, Amdt 5

Sebring, FL, Sebring Regional, NDB or GPS RWY 36, Amdt 4 CANCELLED

Sebring, FL, Sebring Regional, NDB RWY 36, Amdt 4

Zephyrhills, FL, Zephyrhills Muni, NDB RWY 4, Orig CANCELLED

Zephyrhills, FL, Zephyrhills Muni, NDB or GPS RWY 4, Orig

Boone, IA, Boone Muni, NDB or GPS RWY 32, Amdt 4 CANCELLED

Boone, IA, Boone Muni, NDB RWY 32, Amdt 4

Plainfield, IL, Plainfield/Clow Intl, VOR-A, Amdt 1 CANCELLED

Plainfield, IL, Plainfield/Clow Intl, VOR or GPS-A, Amdt 1

Connersville, IN, Connersville/Mettel Field, NDB RWY 18, Orig CANCELLED

Connersville, IN, Connersville/Mettel Field, NDB or GPS RWY 18, Orig

Connersville, IN, Connersville/Mettel Field, VOR-A, Orig CANCELLED

Connersville, IN, Connersville/Mettel Field, VOR or GPS-A, Orig

Lafayette, IN, Aretz, VOR or GPS-C, Amdt 1 CANCELLED

Lafayette, IN, Aretz, VOR-C, Amdt 1

Logansport, IN, Logansport Muni, VOR/DME RNAV RWY 27, Amdt 3 CANCELLED

Logansport, IN, Logansport Muni, VOR/DME RNAV or GPS RWY 27, Amdt 3

Logansport, IN, Logansport Muni, NDB RWY 9, Amdt 2 CANCELLED

Logansport, IN, Logansport Muni, NDB or GPS RWY 9, Amdt 2

Marion, IN, Marion Muni, VOR RWY 4, Amdt 12 CANCELLED

Marion, IN, Marion Muni, VOR or GPS RWY 4, Amdt 12

Marion, IN, Marion Muni, VOR RWY 15, Amdt 9 CANCELLED

Marion, IN, Marion Muni, VOR or GPS RWY 15, Amdt 9

- Marion, IN, Marion Muni, VOR RWY 22, Amdt 15 CANCELLED
- Marion, IN, Marion Muni, VOR or GPS RWY 22, Amdt 15
- Iola, KS, Iola/Allen County, NDB RWY 1, Amdt 1 CANCELLED
- Iola, KS, Iola/Allen County, NDB or GPS RWY 1, Amdt 1
- McPherson, KS, McPherson, NDB or GPS RWY 18, Orig CANCELLED
- McPherson, KS, McPherson, NDB RWY 18, Orig
- Scott City, KS, Scott City Muni, NDB RWY 35, Amdt 1 CANCELLED
- Scott City, KS, Scott City Muni, NDB or GPS RWY 35, Amdt 1
- Topeka, KS, Philip Billard Muni, NDB or GPS RWY 13, Amdt 28 CANCELLED
- Topeka, KS, Philip Billard Muni, NDB RWY 13, Amdt 28
- Murray, KY, Murray/Kyle-Oakley Field, NDB RWY 23, Orig CANCELLED
- Murray, KY, Murray/Kyle-Oakley Field, NDB or GPS RWY 23, Orig
- Shreveport, LA, Shreveport Regional, NDB RWY 14, Amdt 19 CANCELLED
- Shreveport, LA, Shreveport Regional, NDB or GPS RWY 14, Amdt 19
- Thibodaux, LA, Thibodaux Muni, VOR-A, Amdt 1A CANCELLED
- Thibodaux, LA, Thibodaux Muni, VOR or GPS-A, Amdt 1A
- Boston, MA, General Edward Lawrence Logan Intl, NDB or GPS RWY 4R, Amdt 22 CANCELLED
- Boston, MA, General Edward Lawrence Logan Intl, NDB RWY 4R, Amdt 22
- Fitchburg, MA, Fitchburg Muni, NDB-A, Amdt 2 CANCELLED
- Fitchburg, MA, Fitchburg Muni, NDB or GPS-A, Amdt 2
- Taunton, MA, Taunton Muni, NDB RWY 30, Amdt 4 CANCELLED
- Taunton, MA, Taunton Muni, NDB or GPS RWY 30, Amdt 4
- Appleton, MN, Appleton Muni, NDB, RWY 13, Orig-A CANCELLED
- Appleton, MN, Appleton Muni, NDB or GPS, RWY 13, Orig-A
- Pinetree, MN, Pinetree/Piney Pinetree Border, NDB, RWY 33, Orig CANCELLED
- Pinetree, MN, Pinetree/Piney Pinetree Border, NDB or GPS, RWY 33, Orig
- St. James, MN, St. James Muni, NDB RWY 32, Orig CANCELLED
- St. James, MN, St. James Muni, NDB or GPS RWY 32, Orig
- Cuba, MO, Cuba Muni, NDB RWY 18, Amdt 2 CANCELLED
- Cuba, MO, Cuba Muni, NDB or GPS RWY 18, Amdt 2
- Cuba, MO, Cuba Muni, NDB RWY 36, Amdt 2 CANCELLED
- Cuba, MO, Cuba Muni, NDB or GPS RWY 36, Amdt 2
- Macon, MO, Macon-Flower Memorial, VOR/DME RWY 20, Orig-A CANCELLED
- Macon, MO, Macon-Flower Memorial, VOR/DME or GPS RWY 20, Orig-A
- Grenada, MS, Grenada Muni, NDB or GPS RWY 13, Amdt 1 CANCELLED
- Grenada, MS, Grenada Muni, NDB RWY 13, Amdt 1
- Hattiesburg, MS, Hattiesburg/Bobby L. Chain Muni, VOR RWY 13, Amdt 10 CANCELLED
- Hattiesburg, MS, Hattiesburg/Bobby L. Chain Muni, VOR or GPS RWY 13, Amdt 10
- Laurel, MS, Laurel/Hesler-Noble Field, VOR/DME-A, Amdt 2 CANCELLED
- Laurel, MS, Laurel/Hesler-Noble Field, VOR/DME or GPS-A, Amdt 2
- Laurel, MS, Laurel/Hesler-Noble Field, NDB RWY 13, Amdt 6 CANCELLED
- Laurel, MS, Laurel/Hesler-Noble Field, NDB or GPS RWY 13, Amdt 6
- Bowman, ND, Bowman Muni, NDB RWY 29, Amdt 2A CANCELLED
- Bowman, ND, Bowman Muni, NDB or GPS RWY 29, Amdt 2A
- Cambridge, NE, Cambridge Muni, NDB or GPS RWY 32, Amdt 2 CANCELLED
- Cambridge, NE, Cambridge Muni, NDB RWY 32, Amdt 2
- Harvard, NE, Harvard State, VOR/DME RNAV RWY 35, Orig CANCELLED
- Harvard, NE, Harvard State, VOR/DME RNAV or GPS RWY 35, Orig
- Ogallala, NE, Searle Field, VOR or GPS RWY 26, Amdt 4A CANCELLED
- Ogallala, NE, Searle Field, VOR RWY 26, Amdt 4A
- Whitefield, NH, Whitefield/Mount Washington Regional, NDB RWY 10, Amdt 7 CANCELLED
- Whitefield, NH, Whitefield/Mount Washington Regional, NDB or GPS RWY 10, Amdt 7
- Berlin, NJ, Berlin/Camden County, VOR or GPS-B, Amdt 2 CANCELLED
- Berlin, NJ, Berlin/Camden County, VOR-B, Amdt 2
- Linden, NJ, Linden, VOR/DME-D, Orig-B CANCELLED
- Linden, NJ, Linden, VOR/DME or GPS-D, Orig-B
- Linden, NJ, Linden, VOR-C, Orig-B CANCELLED
- Linden, NJ, Linden, VOR or GPS-C, Orig-B
- Robbinsville, NJ, Robbinsville/Trenton-Robbinsville, VOR or GPS RWY 29, Amdt 10A CANCELLED
- Robbinsville, NJ, Robbinsville/Trenton-Robbinsville, VOR RWY 29, Amdt 10A
- Gallup, NM, Gallup Muni, VOR or GPS RWY 6, Amdt 7 CANCELLED
- Gallup, NM, Gallup Muni, VOR RWY 6, Amdt 7
- Wellsville, NY, Wellsville Muni, Tarantine Field, NDB RWY 28, Amdt 6A CANCELLED
- Wellsville, NY, Wellsville Muni, Tarantine Field, NDB or GPS, RWY 28, Amdt 6A
- Wellsville, NY, Wellsville Muni, Tarantine Field, VOR-A, Amdt 5A CANCELLED
- Wellsville, NY, Wellsville Muni, Tarantine Field, VOR or GPS-A, Amdt 5A
- Millersburg, OH, Holmes County NDB or GPS RWY 27, Amdt 5A CANCELLED
- Millersburg, OH, Holmes County NDB RWY 27, Amdt 5A
- Oklahoma City, OK, Will Rogers World, VOR or GPS RWY 17L, Amdt 1B CANCELLED
- Oklahoma City, OK, Will Rogers World, VOR RWY 17L, Amdt 1B
- Oklahoma City, OK, Will Rogers World, NDB or GPS RWY 17R, Amdt 24 CANCELLED
- Oklahoma City, OK, Will Rogers World, NDB RWY 17R, Amdt 24
- Oklahoma City, OK, Will Rogers World, NDB or GPS RWY 35R, Amdt 5A CANCELLED
- Oklahoma City, OK, Will Rogers World, NDB RWY 35R, Amdt 5A
- Okmulgee, OK, Okmulgee Muni, NDB or GPS RWY 17, Amdt 3 CANCELLED
- Okmulgee, OK, Okmulgee Muni, NDB RWY 17, Amdt 3
- Tulsa, OK, Tulsa Intl, NDB or GPS RWY 18L, Amdt 10A CANCELLED
- Tulsa, OK, Tulsa Intl, NDB RWY 18L, Amdt 10A
- Tulsa, OK, Tulsa Intl, VOR/DME or TACAN or GPS RWY 8, Amdt 3B CANCELLED
- Tulsa, OK, Tulsa Intl, VOR/DME or TACAN RWY 8, Amdt 3B
- Tulsa, OK, Tulsa Intl, NDB or GPS RWY 36R, Amdt 19D CANCELLED
- Tulsa, OK, Tulsa Intl, NDB RWY 36R, Amdt 19D
- Eugene, OR, Mahlon Sweet Field, NDB or GPS RWY 16, Amdt 29A CANCELLED
- Eugene, OR, Mahlon Sweet Field, NDB RWY 16, Amdt 29A
- Philadelphia, PA, Philadelphia Intl, VOR/DME RNAV or GPS RWY 17, Amdt 4 CANCELLED
- Philadelphia, PA, Philadelphia Intl, VOR/DME RNAV RWY 17, Amdt 4
- Florence, SC, Florence Regional, NDB or GPS RWY 9, Amdt 10 CANCELLED
- Florence, SC, Florence Regional, NDB RWY 9, Amdt 10
- Madison, SD, Madison Muni, VOR/DME or GPS RWY 33, Amdt 3 CANCELLED
- Madison, SD, Madison Muni, VOR/DME RWY 33, Amdt 3
- Vermillion, SD, Vermillion/Harold Davidson Field, NDB RWY 30, Amdt 1 CANCELLED
- Vermillion, SD, Vermillion/Harold Davidson Field, NDB or GPS RWY 30, Amdt 1
- Lawrenceburg, TN, Lawrenceburg-Lawrence County, NDB RWY 17, Amdt 4 CANCELLED
- Lawrenceburg, TN, Lawrenceburg-Lawrence County, NDB or GPS RWY 17, Amdt 4
- Millington, TN, Millington/Charles W. Baker, VOR/DME RWY 18, Amdt 1 CANCELLED
- Millington, TN, Millington/Charles W. Baker, VOR/DME or GPS RWY 18, Amdt 1
- Shelbyville, TN, Shelbyville Muni, VOR/DME RNAV or GPS RWY 18, Amdt 3 CANCELLED
- Shelbyville, TN, Bomar Field-Shelbyville Muni, VOR/DME RNAV RWY 18, Amdt 3
- Shelbyville, TN, Bomar Field-Shelbyville Muni, VOR or GPS RWY 36, Amdt 15 CANCELLED
- Shelbyville, TN, Shelbyville Muni, VOR RWY 36, Amdt 15
- Abilene, TX, Abilene Regional NDB or GPS RWY 35R, Amdt 5 CANCELLED
- Abilene, TX, Abilene Regional NDB RWY 35R, Amdt 5
- Amarillo, TX, Amarillo Intl; NDB or GPS RWY 4, Amdt 16A CANCELLED
- Amarillo, TX, Amarillo Intl; NDB RWY 4, Amdt 16A
- Bonham, TX, Bonham/Jones Field, NDB RWY 17, Amdt 3 CANCELLED
- Bonham, TX, Bonham/Jones Field, NDB or GPS RWY 17, Amdt 3
- Greenville, TX, Greenville/Majors, NDB RWY 17, Amdt 5 CANCELLED
- Greenville, TX, Greenville/Majors, NDB or GPS RWY 17, Amdt 5
- Greenville, TX, Greenville/Majors, NDB RWY 35, Amdt 1 CANCELLED
- Greenville, TX, Greenville/Majors, NDB or GPS RWY 35, Amdt 1

Kountze, TX, Kountze/Silsbee/Hawthorne Field, NDB RWY 13, Admt 2 CANCELLED

Kountze, TX, Kountze/Silsbee/Hawthorne Field, NDB or GPS RWY 13, Admt 2

Mulleshoe, TX, Mulleshoe Muni, VOR/DME-A, Orig CANCELLED

Mulleshoe, TX, Mulleshoe Muni, VOR/DME or GPS-A, or Orig

Perryton, TX, Perryton Ochiltree County, NDB-A, Admt 3 CANCELLED

Perryton, TX, Perryton Ochiltree County, NDB or GPS-A, Admt 3

Price, UT, Carbon County, VOR or GPS RWY 36 Orig CANCELLED

Price, UT, Carbon County, VOR RWY 36, Orig

Gordonsville, VA, Gordonsville Muni, NDB RWY 23, Admt 1 CANCELLED

Gordonsville, VA, Gordonsville Muni, NDB RWY 23, Admt 1 CANCELLED

Lyndonville, VT, Lyndonville/Caledonia County, NDB RWY 2, Admt 3A CANCELLED

Lyndonville, VT, Lyndonville/Caledonia County, NDB or GPS RWY 2, Admt 3A

Moses Lake, WA, Grant County, VOR or GPS RWY 4, Admt 5 CANCELLED

Moses Lake, WA, Grant County, VOR RWY 4, Admt 5

Moses Lake, WA, Grant County, VOR or GPS RWY 22, Admt 4 CANCELLED

Moses Lake, WA, Grant County, VOR or GPS RWY 22, Admt 4

Moses Lake, WA, Grant County, VOR or GPS RWY 32R, Admt 19 CANCELLED

Moses Lake, WA, Grant County, VOR RWY 32R, Admt 19

Moses Lake, WA, Grant County, VOR-3 or GPS RWY 14L, Orig CANCELLED

Menomonie, WI, Menomonie Muni-Score Field, VOR/DME RWY 27, Orig CANCELLED

Menomonie, WI, Menomonie Muni-Score Field, VOR/DME or GPS RWY 27, Orig

Prairie Du Chien, WI, Prairie Du Chien Muni, VOR/DME or GPS RWY 29, Admt 6 CANCELLED

Prairie Du Chien, WI, Prairie Du Chien Muni, VOR/DME RWY 29, Admt 6

Racine, WI, Racine/John H. Batten, RWY 4, Admt 3A CANCELLED

Racine, WI, Racine/John H. Batten, or GPS RWY 4, Admt 3A

Racine, WI, Racine/John H. Batten, VOR RWY 4, Orig CANCELLED

Racine, WI, Racine/John H. Batten, VOR or GPS RWY 4, Orig

Shell Lake, WI, Shell Lake Muni, NDB RWY 32, Orig-A CANCELLED

Shell Lake, WI, Shell Lake Muni, NDB or GPS RWY 32, Orig-A

Solon Springs, WI, Solon Springs Muni, NDB RWY 19, Admt 1 CANCELLED

Solon Springs, WI, Solon Springs Muni, NDB or GPS RWY 19, Admt 1

Guernsey, WY, Guernsey/Camp Guernsey, NDB RWY 32, Orig CANCELLED

Guernsey, WY, Guernsey/Camp Guernsey, NDB or GPS RWY 32, Orig

Saratoga, WY, Saratoga/Shively Field, NDB-A, Orig CANCELLED

Saratoga, WY, Saratoga/Shively Field, NDB or GPS-A Orig

Sheridan, WY, Sheridan County, VOR RWY 14, Orig CANCELLED

Sheridan, WY, Sheridan County, VOR or GPS RWY 14, Orig

[FR Doc. 98-17627 Filed 7-1-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29261; Admt. No. 1876]

RIN 2120-AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954-4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information is some previously designated FDC/Temporary

(FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only those specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments require making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (Air).

Issued in Washington, DC on June 26, 1998.

Tom E. Stuckey,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR

part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follow:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, and 97.35 [Amended]

By amending: § 97.23, VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * Effective Upon Publication

FDC date	State	City	Airport	FDC number	SIAP
06/03/98	WA	PUYALLUP	PIERCE COUNTY-THUN FIELD	8/3508	GPS RWY 34 ORIG...
06/10/98	TX	ABILENE	ABILENE REGIONAL	8/3714	CORRECTS TL98-14 RADAR-1, AMDT 8A...
06/10/98	TX	CORPUS CHRISTI	CORPUS CHRISTI INTL	8/3716	ILS RWY 13, AMDT 25...
06/12/98	AL	GREENSBORO	GREENSBORO MUNI	8/3768	NDB OR GPS RWY 36, ORIG-A...
06/12/98	IA	CARROLL	ARTHUR N. NEU	7/3768	GPS RWY 31, ORIG...
06/12/98	IA	CARROLL	ARTHUR N. NEU	8/3785	NDB RWY 31, AMDT 6...
06/12/98	IA	OTTUMWA	OTTUMWA INDUSTRIAL	8/3786	ILS RWY 31, AMDT 4A...
06/12/98	MI	GRAND RAPIDS	KENT COUNTY INTL	8/3821	ILS RWY 8R, AMDT 5A...
06/12/98	MI	GRAND RAPIDS	KENT COUNTY INTL	8/3823	ILS RWY 35, ORIG A...
06/12/98	MI	GRAND RAPIDS	KENT COUNTY INTL	8/3825	ILS RWY 26L, AMDT 20...
06/12/98	MI	GRAND RAPIDS	KENT COUNTY INTL	8/3826	VOR RWY 17, ORIG A...
06/12/98	MI	GRAND RAPIDS	KENT COUNTY INTL	8/3826	VOR RWY 17, ORIG 20
06/12/98	MS	INDIANOLA	INDIANOLA MUNI	8/3748	NDB OR GPS RWY 35, AMDT 4...
06/12/98	NC	STATESVILLE	STATESVILLE MUNI	8/3763	GPS RWY 10 ORIG...
06/12/98	NC	STATESVILLE	STATESVILLE MUNI	8/3764	VOR/DME RWY 10, AMDT 7...
06/12/98	NC	STATESVILLE	STATESVILLE MUNI	8/3813	NDB RWY 10 ORIG...
06/12/98	NC	STATESVILLE	STATESVILLE MUNI	8/3814	LOC RWY 10, ORIG...
06/12/98	SC	AIKEN	AIKEN MUNI	8/3845	VOR/DME OR GPS-A, ORIG...
06/12/98	SC	AIKEN	AIKEN MUNI	8/3846	NDB OR GPS RWY 24, AMDT 9...
06/21/98	SC	DILLON	DILLON COUNTY	8/3808	NDB RWY 7 AMDT 5...
06/12/98	SC	DILLON	DILLON COUNTY	8/3809	VOR/DME OR GPS RWY 7 AMDT 5...
06/12/98	SC	FLORENCE	FLORENCE FLORENCE REGIONAL ..	8/3757	RADAR-1 ORIG...
06/12/98	SC	GEORGETOWN	GEORGETOWN COUNTY	8/3770	NDB OR GPS RWY 5, AMDT 5...
06/12/98	SC	LAKE CITY	LAKE CITY MUNI CJ EVANS FIELD ..	8/3772	NDB OR GPS-A, AMDT 1A...
06/12/98	SC	WALTERBORO	WALTERBORO MUNI	8/3817	NDB OR GPS RWY 23, AMDT 11...

* * * Effective Upon Publication

FDC date	State	City	Airport	FDC number	SIAP
06/12/98	TN	JASPER	MARION COUNTY-BROWNFIELD	8/3812	NDB OR GPS RWY 8, AMDT 4A...
06/14/98	AL	SELMA	CRAIG FIELD	8/3902	VOR RWY 15, ORIG....
06/14/98	AL	SELMA	CRAIG FIELD	8/3904	VOR RWY 33 ORIG....
06/14/98	TN	CHATTANOOGA	LOVELL FIELD	8/3899	ILS RWY 2, AMDT 6...
06/14/98	TN	JAMESTOWN	JAMESTOWN MUNI	8/3892	VOR/DME OR GPS-A, AMDT 1...06/14/98
06/14/98	TN	PARIS	HENRY COUNTY	8/3891	NDB OR GPS RWY 2, AMDT 21
06/16/98	MO	ST LOUIS	LAMBERT-ST LOUIS INTL	8/3937	ILS RWY 24, AMDT 45...
06/16/98	MS	GRENADA	GRENADA MUNI	8/3934	ILS RWY 13 ORIG-A...
06/16/98	MS	GRENADA	GRENADA MUNI	8/3935	NDB OR GPS RWY 13, AMDT 1...
06/17/98	AL	GULF SHORES	JACK EDWARDS	8/3963	VOR OR GPS-A AMDT 2...
06/17/98	AL	GULF SHORES	JACK EDWARDS	8/3964	GPS RWY 27, ORIG...
06/17/98	MI	GRAND RAPIDS	KENT COUNTY INTL	8/3987	RADR-1, AMDT 10A...
06/17/98	TN	CLARKSVILLE	OUTLAW FIELD	8/3958	NDB OR GPS RWY 35, AMDT 5B
06/17/98	TN	CLARKSVILLE	OUTLAW FIELD	8/3959	LOC RWY, AMDT 5B...
06/18/98	FL	CRESTVIEW	BOB SIKES	8/4048	ILS RWY 17, ORIG...
06/18/98	GA	MILLEDGEVILLE	BALDWIN COUNTY	8/4066	GPS RWY 28, ORIG...
06/18/98	GA	MILLEDGEVILLE	BALDWIN COUNTY	8/4067	GPS RWY 10, ORIG...
06/18/98	IA	BURLINGTON	BURLINGTON REGIONAL	8/4047	ILS RWY 36, AMDT 9A...
06/18/98	IA	MASON CITY	MASON CITY MUNI	8/4046	ILS RWY 24, AMDT 2...
06/18/98	KY	FRANKFORT	FRANKFORT/CAPITAL CITY	8/4049	VOR RWY 24, AMDT 2...
06/18/98	MO	ST LOUIS	LAMBERT-ST LOUIS INTL	8/4064	LDA/DME RWY 301, AMDT 2...
06/19/98	GA	MILLEDGEVILLE	BALDWIN COUNTY	8/4100	NDB RWY 28, ORIG...
06/24/98	FL	PAHOKEE	PALM BEACH COUNTY GLADES	8/3730	VOR OR GPS RWY 17, AMDT 8...

Greensboro

GREENSBORO MUNI

Alabama

NDB OR GPS RWY 36, ORIG-A...

FDC Date: 06/12/98

FDC 8/3768 /7AO/ FI/P

GREENSBORO MUNI, GREENSBORO, AL. NDB OR GPS RWY 36, ORIG-A...S-36 MDA 800/HAT 628 ALL CATS, VIS CAT C 1 3/4. CIRCLING MDA 800/HAA 620 ALL CATS. DELETE NOTE...ACTIVATE MRL RWY 18-36 CTAF. THIS IS NDB OR GPS RWY 36, ORIG-B.

Selma

CRAIG FIELD

Alabama

VOR RWY 15, ORIG...

FDC Date: 06/14/98

FDC 8/3902 /SEM/ FI/P CRAIG FIELD, SELMA, AL. VOR RWY 15, ORIG...DELETE TERMINAL ROUTE...BEING INT TO JYU VOR/DME. THIS IS VOR RWY 15, ORIG-A.

Selma

CRAIG FIELD

Alabama

VOR RWY 33, ORIG...

FDC Date: 06/14/98

FDC 8/3904 /SEM/ FI/P CRAIG FIELD, SELMA, AL. VOR RWY 33, ORIG...DELETE TERMINAL ROUTE...BEING INT TO JYU VOR/DME. THIS IS VOR RWY 33, ORIG-A.

Gulf Shores

JACK EDWARDS

Alabama

VOR OR GPS-A AMDT 2...

FDC Date: 06/17/98

FDC 8/3963 /AL15/ FI/P JACK EDWARDS, GULF SHORES, AL. VOR OR GPS-A AMDT 2...CIRCLING MDA 520/HAA 504, ALL CATS. DELETE ALTIMETER SETTING NOTE. THIS IS VOR OR GPS-A, AMDT 2A.

Gulf Shores

JACK EDWARDS

Alabama

GPS RWY 27, ORIG...

FDC Date: 06/17/98

FDC 8/3964 /AL15/ FI/P JACK EDWARDS, GULF SHORES, AL. GPS RWY 27, ORIG...DELETE ALTIMETER SETTING NOTE. THIS IS GPS RWY 27, ORIG-A.

Pahokee

PALM BEACH COUNTY GLADES

Florida

VOR OR GPS RWY 17, AMDT 8...

FDC Date: 06/24/98

FDC 8/3730 /PHK/ FI/P PALM BEACH COUNTY GLADES, PAHOKEE, FL. VOR OR GPS RWY 17, AMDT 8...CIRCLING CAT D MDA 700/HAA 682, VIS CAT D 2 1/4. THIS IS VOR OR GPS RWY 17, AMDT 8A.

Crestview

BOB SIKES

Florida

ILS RWY 17, ORIG...

FDC Date: 06/18/98

FDC 8/4048 /CEW/ FI/P BOB SIKES, CRESTVIEW, FL. ILS RWY 17, ORIG...ADD NOTE...AUTOPILOT COUPLED APPROACH NA. THIS IS ILS RWY 17, ORIG-A.

Milledgeville

BALDWIN COUNTY

Georgia

GPS RWY 28, ORIG...

FDC Date: 06/18/98

FDC 8/4066 /MLJ/ FI/P BALDWIN COUNTY, MILLEDGEVILLE, GA. GPS RWY 28, ORIG...CHANGE ALSTG NOTE TO READ... IF LOCAL, ALSTG NOT RECEIVED, USE MIDDLE GEORGIA REGIONAL ALSTG AND INCREASE ALL MDAS 100 FT. THIS IS GPS RWY 28, ORIG-A.

Milledgeville

BALDWIN COUNTY

Georgia

GPS RWY 10, ORIG...

FDC Date: 06/18/98

FDC 8/4067 /MLJ/ FI/P BALDWIN COUNTY, MILLEDGEVILLE, GA. GPS RWY 10, ORIG...CHANGE ALSTG NOTE TO READ... IF LOCAL ALSTG NOT RECEIVED, USE MIDDLE GEORGIA REGIONAL ALSTG AND INCREASE ALL MDAS 100 FT. THIS IS GPS RWY 10, ORIG-A.

Milledgeville

BALDWIN COUNTY

Georgia

NDB RWY 28, ORIG...

FDC Date: 06/19/98

FDC 8/4100 /MLJ/ FI/P BALDWIN COUNTY, MILLEDGEVILLE, GA. NDB RWY 28, ORIG...MINIMUM (FAF) ALTITUDE ML NDB 1300. S-28 MDA 1140/HAT 762 ALL CATS, VIS CAT B 1 1/4, CAT C 2 1/4, CAT D 2 1/2. CIRCLING...MDA 1140/HAA 756 ALL CATS, VIS CAT B 1 1/4, CAT C 2 1/4, CAT D 2 1/2. CHANGE ALSTG NOTE TO READ... IF LOCAL, ALSTG NOT RECEIVED, USE MIDDLE GEORGIA REGIONAL ALSTG AND INCREASE ALL MDAS 100 FT. THIS IS NDB RWY 28, ORIG-A.

Carroll

ARTHUR N. NEU
Iowa
GPS RWY 31, ORIG...
FDC Date: 06/12/98

FDC 8/3784 /CIN/ FI/P ARTHUR N. NEU, CARROLL, IA. GPS RWY 31, ORIG...DELETE NOTE... IF LOCAL ALTIMETER SETTING NOT RECEIVED, USE FORT DODGE ALTIMETER SETTING AND INCREASE ALL MDA'S 100 FEET. THIS IS GPS RWY 31, ORIG-A.

Carroll

ARTHUR N. NEU
Iowa
NDB RWY 31, AMDT 6...
FDC Date: 06/12/98

FDC 8/3785 /CIN/ FI/P ARTHUR N. NEU, CARROLL, IA. NDB RWY 31, AMDT 6...DELETE NOTE... IF LOCAL ALTIMETER SETTING NOT RECEIVED, USE FORT DODGE ALTIMETER SETTING AND INCREASE ALL MDA'S 100 FEET. THIS IS NDB RWY 31, AMDT-6A.

Ottumwa

OTTUMWA INDUSTRIAL
Iowa
ILS RWY 31, AMDT 4A...
FDC Date: 06/12/98

FDC 8/3786 /OTM/ FI/P OTTUMWA INDUSTRIAL, OTTUMWA, IA. ILS RWY 31, AMDT 4A...DELETE ALL REFERENCE TO MM. THIS IS ILS RWY 31, AMDT 4B.

Mason City

MASON CITY MUNI
Iowa
ILS RWY 35, AMDT 6...
FDC Date: 06/18/98

FDC 8/4046 /MCW/ FI/P MASON CITY MUNI, MASON CITY, IA. ILS RWY 35, AMDT 6...DLT ALL REFERENCE TO MM. THIS IS RWY 35, AMDT 6A.

Burlington

BURLINGTON REGIONAL
Iowa

ILS RWY 36, AMDT 9A...

FDC Date: 06/18/98

FDC 8/4047 /BRL/ FI/P BURLINGTON REGIONAL, BURLINGTON, IA. ILS RWY 36, AMDT 9A...DLT ALL REFERENCE TO MM. THIS IS ILS RWY 36, AMDT 9B.

St Louis

LAMBERT-ST LOUIS INTL
Missouri
LDA/DME RWY 30L, AMDT 2...
FDC Date: 06/18/98

FDC 8/4064 /STL/ FI/P LAMBERT-ST LOUIS INTL, ST LOUIS, MO. LDA/DME RWY 30L, AMDT 2...CHANGE FINAL APPROACH FIX DESIGNATION TO NEALE I-FXD 7.00 DME, FAF TO THLD 5.21NM. THIS IS LDA/DME RWY 30L, AMDT 2A.

Frankfort

FRANKFORT/CAPITAL CITY
Kentucky
VOR RWY 24, AMDT 2...
FDC Date: 06/18/98

FDC 8/4049 /FFT/ FI/P FRANKFORT/CAPITAL CITY, FRANKFORT, KY. VOR RWY 24, AMDT 2...MISSED APPROACH...CLIMB TO 3000 FT THEN LEFT TURN DIRECT HYK VORTAC AND HOLD SOUTH EAST, RIGHT TURN, 304 INBOUND. DELETE...LEXINGTON ALSTG MNMS. DELETE NOTE...OBTAIN LOCAL ALSTG ON CTAF, WHEN NOT RECEIVED, USE LEXINGTON ALSTG. THIS IS VOR RWY 24, AMDT 2A.

Grand Rapids

KENT COUNTY INTL
Michigan
ILS RWY 8R, AMDT 5A...
FDC Date: 06/12/98

FDC 8/3821 /GRR/ FI/P KENT COUNTY INTL, GRAND RAPIDS, MI.

FDC 8/3821 /GRR/ FI/P KENT COUNTY INTL, GRAND RAPIDS, MI. ILS RWY 8R, AMDT 5A...CIRCLING...MDA 1280/HAA 486 CAT A/B/C. THIS IS ILS RWY 8R, AMDT 5B.

Grand Rapids

KENT COUNTY INTL
Michigan
ILS RWY 35, ORIG A...
FDC Date: 06/12/98

FDC 8/3823/GRR/FI/P KENT COUNTY INTL, GRAND RAPIDS, MI. ILS RWY 35, ORIG A...LMBAW INT MINIMUMS...CIRCLING MDA 1280/HAA 486 CAT A/B/C. THIS IS ILS RWY35, ORIG-B.

Grand Rapids

KENT COUNTY INTL
Michigan

VOR RWY 35, ORIG...

FDC Date: 06/12/98

FDC 8/3824/GRR/FI/P KENT COUNTY INTL, GRAND RAPIDS, MI. VOR RWY 35, ORIG...CIRCLING...MDA 1280/HAA 486 CAT A/B/C/. ALSKA INT MINIMUMS...CIRCLING MDA 1280/HAA 486 CAT A/B/C. THIS IS VOR RWY 35, ORIG-A.

Grand Rapids

KENT COUNTY INTL
Michigan
ILS RWY 26L, AMDT 20...
FDC Date: 06/12/98

FDC 8/3825/GRR/FI/P KENT COUNTY INTL, GRAND RAPIDS, MI. ILS RWY 26L, AMDT 20...GLGHR INT MINIMUMS...CIRCLING MDA 1280/HAA 486 CAT A/B/C. THIS IS ILS RWY 26L, AMDT 20A.

Grand Rapids

KENT COUNTY INTL
Michigan
VOR RWY 17, ORIG A...
FDC Date: 06/12/98

FDC 8/3826/GRR/FI/P KENT COUNTY INTL, GRAND RAPIDS, MI. VOR RWY 17, ORIG A...CIRCLING MDA 1280/HAA 486 CAT A/B/C. THIS IS VOR RWY 17, ORIG-B.

Grand Rapids

KENT COUNTY INTL
Michigan
RADAR-1, AMDT 10A...
FDC Date: 06/17/98

FDC 8/3987/GRR/FI/P KENT COUNTY INTL, GRAND RAPIDS, MI. RADAR-1, AMDT 10A...ASR 26R...MDA 1180/HAT 386 ALL CATS. ASR 8L...MDA 1200/HAT 413 ALL CATS, VIS CAT C 1-1/4. CIRCLING...MDA 1280/HAA 486 CAT A THRU C. THIS IS RADAR-1, AMDT 10B.

St Louis

LAMBERT-ST LOUIS INTL
Missouri
ILS RWY 24, AMDT 45...
FDC DATE 06/16/98

FDC 8/3937/STL/FI/P LAMBERT-ST LOUIS INTL, ST LOUIS, MO. ILS RWY 24, AMDT 45...DLT ALL REFERENCE TO MM. CHG NOTE...LPC UNUSABLE FROM MM INBOUND TO READ ILS UNUSABLE FROM I-STL 1.9 DME/0.5 NM FROM THLD INBOUND. THIS IS ILS RWY 24, AMDT 45A.

Indianola

INDIANOLA MUNI
Mississippi
NDB OR GPS RWY 35, AMDT 4...
FDC Date: 06/12/98

FDC 8/3748/IDL/FI/P INDIANOLA MUNI, INDIANOLA, MS. NDB OR GPS

RWY 35, AMDT 4...35 MDA 700/HAT 579 ALL CATS. CIRCLING CAT A/B/C/MDA 700/HAA 574. GREENWOOD ALSTG MNMS...S-35 MDA 780/HAT 659 ALL CATS. VIS CAT C 1¾, CAT D 2. CIRCLING MDA 780/HAA 654 CAT A/B/C. VIS CAT C 1¾. CHANGE ALTM NOTE TO READ...USE GREENVILLE ALSTG IF NOT RECEIVED, USE GREENWOOD ALSTG. THIS IS NDB OR GPS RWY 35, AMDT 4A.

Grenada

GRENADA MUNI
Mississippi
ILS RWY 13 ORIG-A...
FDC Date: 06/16/98

FDC 8/3934/GNF/FI/P GRENADA MUNI, GRENADA, MS. ILS RWY 13 ORIG-A...CIRCLING MDA 1080/HAA 872 ALL CATS. DELETE CAT D MINIMUMS. DELETE NOTE...INOPERATIVE TABLE DOES NOT APPLY TO S-LOC 13 CAT C. S-ILS 13 VISIABILITY ½ ALL CATS. DELETE CAT D MINIMUMS. S-LOC 13 VISIBILITY ½ CAT A AND B, 1 CAT C. DELETE CAT D MINIMUMS. THIS IS ILS RWY 13 ORIG-B.

Grenada

GRENADA MUNI
Mississippi
NDB OR GPS RWY 13, AMDT 1...
FDC Date: 06/16/98

FDC 8/3935/GNF/FI/P GRENADA MUNI, GRENADA, MS. NDB OR GPS RWY 13, AMDT 1...CIRCLING MDA 1080/HAA 872 ALL CATS. DELETE CAT D MINIMUMS. S-13...DELETE CAT D MINIMUMS. DELETE REFERENCE (SYMBOL) TO MM ON PLAN VIEW. THIS IS NDB OR GPS RWY 13, AMDT 1A.

Statesville

STATESVILLE MUNI
North Carolina
GPS RWY 10 ORIG...
FDC Date: 06/12/98

FDC 8/3763/SVH/FI/P STATESVILLE MUNI, STATESVILLE, NC. GPS RWY 10 ORIG...MISSED APPROACH INSTRUCTIONS...CLIMB TO 3300 DIRECT OWALT WP AND HOLD. DELETE NOTE...OBTAIN LOCAL ALSTG ON CTAF; WHEN NOT RECEIVED USE CHARLOTTE ALSTG. DELETE CHARLOTTE ALSTG MINIMUMS. THIS IS GPS RWY 10, ORIG-A.

Statesville

STATESVILLE MUNI
North Carolina
VOR/DME RWY 10, AMDT 7...
FDC Date: 06/12/98

FDC 8/3764/SVH/FI/P STATESVILLE MUNI, STATESVILLE, NC. VOR/DME

RWY 10, AMDT 7...MISSED APPROACH INSTRUCTIONS...CLIMB TO 3300 VIA BZM VOR/DME R-118 TO OWALT INT AND HOLD. DELETE NOTE...OBTAIN LOCAL ALSTG ON CTAF; WHEN NOT RECEIVED, USE CHARLOTTE ALSTG. DELETE CHARLOTTE ALSTG MINIMUMS. THIS IS VOR/DME RWY 10, AMDT 7A.

Statesville

STATESVILLE MUNI
North Carolina
NDB RWY 10 ORIG...
FDC Date: 06/12/98

FDC 8/3813/SVH/FI/P STATESVILLE MUNI, STATESVILLE, NC. NDB RWY 10 ORIG...DELETE NOTE...OBTAIN LOCAL ALSTG ON CTAF; WHEN NOT RECEIVED, USE CHARLOTTE ALSTG. DELETE CHARLOTTE ALSTG MINIMUMS. THIS IS NDB RWY 10 ORIG-A.

Statesville

STATESVILLE MUNI
North Carolina
LOC RWY 10, ORIG...
FDC Date: 06/12/98

FDC 8/3814/SVH/FI/P STATESVILLE MUNI, STATESVILLE, NC. LOC RWY 10, ORIG...MISSED APPROACH INSTRUCTIONS...CLIMB TO 3300 VIA BZM VOR/DME R-118 TO OWALT INT AND HOLD. DELETE NOTE...OBTAIN LOCAL ALSTG ON CTAF; WHEN NOT RECEIVED, USE CHARLOTTE ALSTG. DELETE CHARLOTTE ALSTG MNMS. THIS IS LOC RWY 10, ORIG-A.

Florence

FLORENCE REGIONAL
South Carolina
RADAR-1 ORIG...
FDC Date: 06/12/98

FDC 8/3757/FLO/FI/P FLORENCE REGIONAL, FLORENCE, SC. RADAR-1 ORIG...S-27 MDA 560, HAT 420 ALL CATS. VISIBILITY CAT C AND D 1¼. CIRCLING HAA 692 ALL CATS. THIS IS RADAR-1 ORIG-A.

Georgetown

GEORGETOWN COUNTY
South Carolina
NDB OR GPS RWY 5, AMDT 5...
FDC Date: 06/12/98

FDC 8/3770/GGE/FI/P GEORGETOWN COUNTY, GEORGETOWN, SC. NDB OR GPS RWY 5, AMDT 5...CIRCLING HAA 480 CATS A/B/C, 700 CAT D. MYRTLE BEACH INTL ALTIMETER SETTING MINIMUMS...CIRCLING HAA 600 CAT A/B/C, 820 CAT D. PLANVIEW...DELETE TERMINAL ROUTE FROM PLANN TO GEORGETOWN NDB. THIS IS NDB OR GPS RWY 5, AMDT 5A.

Lake City

LAKE CITY MUNI CJ EVANS FIELD
South Carolina
NDB OR GPS-A, AMDT 1A...
FDC Date: 06/12/98

FDC 8/3772/51J/FI/P LAKE CITY MUNI CJ EVANS FIELD, LAKE CITY, SC. NDB OR GPS-A, AMDT 1A...CIRCLING MDA 740/HAA 665 CATS A/B, HAA 705 CAT C, HAA 785 CAT D. THIS IS NDB OR GPS-A, AMDT 1B.

Dillon

DILLON COUNTY
South Carolina
NDB RWY 7 AMDT 5...
FDC Date: 06/12/98

FDC 8/3808/DLC/FI/P DILLON COUNTY, DILLON, SC. NDB RWY 7 AMDT 5...S-7 MDA 840, HAT 706 ALL CATS. VISIBILITY CAT C2. CIRCLING MDA 840, HAA 706, ALL CATS. VISIBILITY CAT C2. MISSED APPROACH INSTRUCTIONS...CLIMB TO 1500 THEN CLIMBING LEFT TURN TO 2300 DIRECT DLC NDB AND HOLD. DELETE CAT D MINIMUMS. THIS IS NDB RWY 7 AMDT 5A.

Dillon

DILLON COUNTY
South Carolina
VOR/DME OR GPS RWY 7 AMDT 5...
FDC Date: 06/12/98

FDC 8/3809/DLC/FI/P DILLON COUNTY, DILLON, SC. VOR/DME OR GPS RWY 7 AMDT 5...DELETE CAT D MINIMUMS. THIS IS VOR/DME OR GPS RWY 7 AMDT 5A.

Walterboro

WALTERBORO MUNI
South Carolina
NDB OR GPS RWY 23, AMDT 11...
FDC Date: 06/12/98

FDC 8/3817/RBW/FI/P WALTERBORO MUNI, WALTERBORO, SC. NDB OR GPS RWY 23, AMDT 11...S-23 MDA 680/HAT 581 ALL CATS. CIRCLING MDA 680/HAA 581 ALL CATS. THIS IS NDB OR GPS RWY 23, AMDT 11A.

Aiken

AIKEN MUNI
South Carolina
VOR/DME OR GPS-A ORIG...
FDC Date: 06/12/98

FDC 8/3845/AIK/FI/P AIKEN MUNI, AIKEN, SC. VOR/DME OR GPS-A, ORIG...DELETE CAT D MINIMUMS. CIRCLING MDA 1020/HAA 491 ALL CATS. AUGUSTA ALSTG MINIMUMS...CIRCLING MDA 1140/HAA 611 ALL CATS. VIS CAT CA 1¾. DELETE NOTE...INOPERATIVE TABLE DOES NOT APPLY. THIS IS VOR/DME OR GPS-A, ORIG A.

Aiken

AIKEN MUNI

South Carolina

NDB OR GPS RWY 24, AMDT 9...

FDC Date: 06/12/98

FDC 8/3846/AIK/FI/P AIKEN MUNI, AIKEN, SC. NDB OR GPS RWY 24, AMDT 9...DELETE CAT D MINIMUMS. CHANGE NOTE TO READ...INOPERATIVE TABLE DOES NOT APPLY TO CAT C. S-24 MDA 1160/HAT 655 ALL CATS, VIS CAT C 1¾. CIRCLING MDA 1160/HAA 631 ALL CATS. VIS CAT C 1¾. AUGUSTA ALSTG MINIMUMS...S-24 MDA 1280/HAT 775 ALL CATS. VIS CAT B 1¼, CAT C 2¼. CIRCLING MDA 1280/HAA 751 ALL CATS. VIS CAT B 1¼, CAT C 2¼. THIS IS NDB OR GPS RWY 24, AMDT 9A.

Jasper

MARION COUNTY-BROWN FIELD

Tennessee

NDB OR GPS RWY 4, AMDT 4A...

FDC Date: 06/12/98

FDC 8/3812/APT/FI/P MARION COUNTY-BROWN FIELD, JASPER, TN. NDB OR GPS RWY 4, AMDT 4A...ADD NOTE...CIRCLING NA SOUTHEAST OR RWY 04/22. THIS IS NDB OR GPS RWY 4, AMDT 4B.

Paris

HENRY COUNTY

Tennessee

NDB OR GPS RWY 2, AMDT 2A...

FDC Date: 06/14/98

FDC 8/3891/PHT/FI/P HENRY COUNTY, PARIS, TN. NDB OR GPS RWY 2, AMDT 2A...S-2 VIS CATS A/B¾...CIRCLING CAT D MDA 1360/HAA 780 VIS 2½. ADD NOTE...INOPERATIVE TABLE DOES NOT APPLY TO S-2 CAT C. DELETE NOTE...IF LOCAL ALTIMETER SETTING NOT RECEIVED, USE JACKSON ALTIMETER SETTING AND INCREASE ALL MDAS 240 FT. ALTERNATE MINIMUMS...STANDARD, CAT D 800-2½. THIS IS NDB OR GPS RWY 2, AMDT 2B.

[FR Doc. 98-17628 Filed 7-1-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29260; Amdt. No. 1875]

RIN 2120-AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954-4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the

remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on June 26, 1998.

Tom E. Stuckey,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective 16 July 1998*

Louisville, KY, Louisville Intl-Standiford Field, GPS RWY 17R, Orig
Louisville, KY, Louisville Intl-Standiford Field, GPS RWY 35L, Orig
Louisville, KY, Louisville Intl-Standiford Field, ILS RWY 17L, Amdt 1
Louisville, KY, Louisville Intl-Standiford Field, ILS RWY 35R, Amdt 1
Detroit, MI, Detroit Metropolitan Wayne County, ILS RWY 3R, Amdt 13

* * * *Effective 13 August 1998*

Kenai, AK, Kenai Muni, VOR RWY 19, Amdt 16
Kenai, AK, Kenai Muni, ILS RWY 19, Amdt 6
Kenai, AK, Kenai Muni, GPS RWY 1, Orig
Kenai, AK, Kenai Muni, GPS RWY 19, Orig
Fort Huachuca/Sierra Vista, AZ, Libby AAF-Sierra Vista Muni, GPS RWY 8, Orig
Wilmington, DE, New Castle County, VOR/DME RNAV RWY 9, Orig, CANCELLED
Marianna, FL, Marianna Muni, GPS RWY 18, Orig
Goshen, IN, Goshen Muni, GPS RWY 9, Amdt 1
Goshen, IN, Goshen Muni, VOR RWY 9, Amdt 12
Goshen, IN, Goshen Muni, VOR OR GPS RWY 27, Amdt 6
Goshen, IN, Goshen Muni, ILS/DME RWY 27, Amdt 1, CANCELLED
Goshen, IN, Goshen Muni, ILS RWY 27, Orig
Baltimore, MD, Baltimore-Washington Intl, ILS RWY 10, Amdt 17
Boston, MA, General Edward Lawrence Logan Intl, GPS RWY 4R, Orig
Boston, MA, General Edward Lawrence Logan Intl, VOR/DME RNAV RWY 4R, Amdt 1
Cortland, NY, Cortland County-Chase Field, GPS RWY 6, Orig
Burlington, NC, Burlington-Alamance Regional, LOC RWY 6, Amdt 1
Charlotte, NC, Charlotte/Douglas Intl, VOR/DME RWY 18R, Amdt 6, CANCELLED
Charlotte, NC, Charlotte/Douglas Intl, VOR RWY 36R, Amdt 5A, CANCELLED
Wadesboro, NC, Anson County, VOR/DME OR GPS-A, Amdt 1, CANCELLED
Lancaster, OH, Fairfield County, VOR OR GPS-A, Amdt 10
Lancaster, OH, Fairfield County, LOC RWY 28, Amdt 1
Lancaster, OH, Fairfield County, NDB OR GPS RWY 28, Amdt 8
Lancaster, OH, Fairfield County, VOR/DME RNAV OR GPS RWY 10, Amdt 10
Bradford, PA, Bradford Regional ILS RWY 32, Amdt 10
Florence, SC, Florence Regional, GPS RWY 1, Orig

Florence, SC, Florence Regional, GPS RWY 9, Orig
Florence, SC, Florence Regional, GPS RWY 19, Orig
Hohenwald, TN, John A. Baker Field, NDB RWY 2, Orig
Price, UT, Carbon County, GPS RWY 36, Orig

* * * *Effective 8 OCT 1998*

Hot Springs, AR, Memorial Field, VOR RWY 5, Amdt 16
Hot Springs, AR, Memorial Field, ZAPLE VOR RWY 5, Amdt 4
Hot Springs, AR, Memorial Field, NDB RWY 5, Amdt 7
Hot Springs, AR, Memorial Field, ILS RWY 5, Amdt 14
Hot Springs, AR, Memorial Field, GPS RWY 5, Orig
Indianapolis, IN, Indianapolis Downtown Heliport, COPTER GPS 291, Orig

*** *Effective Upon Publication*

Bentonville, AR, Bentonville Muni/Louise M Thadden Field, GPS RWY 18, Amdt 1
Bentonville, AR, Bentonville Muni/Louise M Thadden Field, GPS RWY 36, Amdt 1

[FR Doc. 98-17631 Filed 7-1-98; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 303

Rules and Regulations Under the Textile Fiber Products Identification Act

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (“Commission”) announces amendments to Rule 7 of the Rules and Regulations Under the Textile Fiber Products Identification Act (“Textile Rules”), to designate two new generic fiber names and establish two new generic fiber definitions for fibers manufactured by BASF Corporation (“BASF”) of Mt. Olive, New Jersey, and DuPont Advanced Fiber Systems (“DuPont”) of Wilmington, Delaware. The amendments create a new subsection (w) to Rule 7 that establishes the name “melamine” for a fiber for which BASF has registered the trade name “Basofil”; and a new subsection (x) to Rule 7 that establishes the name “fluoropolymer” for a fiber that DuPont designates by the registered name “Teflon.”

DATES: Effective: July 2, 1998.

FOR FURTHER INFORMATION CONTACT: James G. Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580; (202) 326-3035, FAX: (202) 326-3259.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory and Regulatory Framework

Section 4(b)(1) of the Textile Fiber Products Identification Act ("the Act") declares that a textile product will be misbranded unless it is labeled to show, among other elements, the percentages, by weight, of the constituent fibers (or fiber combinations) in the product, designated by their generic name and in order of predominance by weight. 15 U.S.C. 70b(b)(1). Section 4(c) of the Act provides that the same information required by section 4(b)(1) (except the percentages) must appear in written advertisements for covered textile products. 15 U.S.C. 70b(c). Section 7(c) empowers the Commission to promulgate such rules, including the establishment of generic names of manufactured fibers, as are necessary to enforce the Act's directives. 15 U.S.C. 70e(c).

Rule 6 of the Textile Rules requires manufacturers to use the generic names of the fibers contained in their textile fiber products in making required disclosures of the fiber content of the products. 16 CFR 303.6. Rule 7 sets forth the generic names and definitions that the Commission has established for synthetic fibers. 16 CFR 303.7. Rule 8 sets forth the procedures for establishing new generic names. 16 CFR 303.8.

B. Procedural History

On March 22, 1996, BASF and DuPont submitted their applications to the Commission separately. The applications and related materials were placed on the rulemaking record.

BASF stated that Basofil fiber, which is mostly used in combination with other heat- and flame-resistant fibers, is intended for use in applications where heat and flame resistance and low flammability are vital, including fire-blocking fabrics, protective apparel and heat-insulating fabrics. BASF stated that, because the unique chemistry of Basofil fiber is inadequately described under the existing generic names listed in the Textile Rules, a new generic name and definition should be established.

DuPont states that it has manufactured a fiber it calls "Teflon PTFE fluorocarbon fiber" or "Teflon fiber" since the 1950's for industrial applications, but that it expected to begin commercial sales of the fiber in socks beginning in late April 1996. DuPont explained that it was petitioning the Commission to establish a new name and definition for its fiber in its new use in textile fiber products covered by the Textile Rules because none of the current generic fiber

definitions in Rule 7 of the Textile Rules is appropriate for Teflon fiber.

On June 25, 1996, the Commission issued BASF the designation "BC 0001" and DuPont the designation "DP 0001" for temporary use in identifying Basofil and Teflon PTFE fluorocarbon fiber, respectively, pending a final determination as to the merits of the applications for new generic names. The Commission staff analyzed the applications as well as additional materials that the two companies subsequently submitted separately at the staff's request. On January 6, 1998, the Commission published two Notices of Proposed Rulemaking ("NPR") detailing the technical aspects of BASF's (63 FR 449) and DuPont's (63 FR 447) fibers and requesting public comment on whether to add new generic fiber names and definitions to Rule 7 of the Textile Rules to describe them. On March 23, 1998, the comment periods created by the two NPRs closed. No comments were received in either matter.

II. Description of the Fibers and Solicitation of Comments in the NPRs

A. The Commission's Criteria for Granting a New Generic Name and Definition Under Rule 7

In the NPRs, the Commission solicited comment on the petitioners' applications and asked whether the applications met the following criteria, which the Commission first announced at 38 FR 34,112 (Dec. 11, 1973) as grounds for the granting of petitions for new generic names, and later clarified and reaffirmed on Dec. 6, 1995, 60 FR 62,352, and again on May 23, 1997, 62 FR 28,342:

1. The fiber for which a generic name is requested must have a chemical composition radically different from other fibers, and that distinctive chemical composition must result in distinctive physical properties of significance to the general public.
2. The fiber must be in active commercial use or such use must be immediately foreseen.
3. The grant of the generic name must be of importance to the consuming public at large, rather than to a small group of knowledgeable professionals such as purchasing officers for large Government agencies.

B. The BASF NPR

1. Fiber Description and Proposed Name and Definition

The BASF NPR provided a detailed description, taken from BASF's application, of Basofil's chemical composition and physical and chemical

properties.¹ BASF maintained that, because of its unique melamine-formaldehyde chemistry, Basofil is especially well-suited for applications in which heat and flame resistance are needed. BASF thus intends to use Basofil in the manufacture of heat- and flame-resistant textile products like fire-blocking fabrics, gloves and aprons and other protective apparel. BASF described Basofil chemically as follows:

The product is a fiber made from a condensation polymer of melamine derivatives and formaldehyde * * *. In the condensation reaction, methylol compounds are formed which then react with one another to form a three-dimensional structure of methylene ether and methylene bridges.

The chemical composition of Basofil fiber is based upon a three-dimensional cross-linked structure containing methylene links, such as (Melamine-NH-CH₂-NH-Melamine) and dimethylene ether links such as (Melamine-NH-CH₂-O-CH₂-NH-Melamine). The melamine can also be modified to contain hydroxyl groups.

The network structure of Basofil fiber provides the characteristics found in melamine-based resins—heat stability, solvent resistance, and low flammability.

BASF stated that Basofil combines fire protection and heat stability with good chemical, hydrolysis and ultraviolet resistance, and that the fiber, which is white and dyeable, can be processed on standard textile manufacturing equipment for the production of woven, knitted, and nonwoven fabrics. BASF further asserted that Basofil's most outstanding physical properties are its high Limiting Oxygen Index (LOI), low thermal conductivity, heat dimensional stability, and the fact that it does not shrink, melt or drip when exposed to a flame.

The Commission proposed the following fiber name and definition for Basofil, which has been suggested by BASF:

Melamine. A manufactured fiber in which the fiber-forming substance is a synthetic polymer composed of at least 50% by weight of a cross-linked melamine polymer.

In proposing this definition in the BASF NPR, the Commission noted that BASF had explained that the unusually low (50%) threshold for the principal element of the fiber (the cross-linked melamine polymer) in the definition is based on the possibility that Basofil may be modified in the future to contain other components typically found in fiber formulations, such as dispersing

¹ 63 FR 449, at 449–50 (Jan. 6, 1998). For brevity's sake, the Commission is providing a simplified description of the fiber today, and refers those members of the public who wish to see detailed technical information about the fiber to the earlier description in the NPR.

aids, fillers, flame retardants, heat or light stabilizers, optical modifiers, etc.

2. Discussion of the Three Criteria

a. Distinctive Chemical Composition and Physical Properties of Importance to the Public

The materials submitted by BASF show that Basofil fiber is based upon unique melamine chemistry that is not encompassed by any existing definition in Rule 7 and that results in a fiber with the physical property of significant resistance to heat and flame. This property is very important to those members of the general public (for example, cooks, foundry workers, welders, and fire-fighters) who need textile fiber products that are highly resistant to heat and flame. Thus, BASF's application meets this first criterion.

b. Active Commercial Use

BASF stated in the materials it submitted that it has begun to import Basofil fiber and to market the fiber to potential end users. When it filed its petition, BASF was in the process of building a plant in Enka, North Carolina, capable of producing approximately 3.6 million pounds of Basofil. Counsel for BASF has informed Commission staff that the plant is currently operational. Such a level of production for distribution satisfies this second criterion.

c. Importance to the Consuming Public

The Commission agrees with BASF that the granting of a generic name to describe Basofil is of importance to the general public, and not just a few knowledgeable professionals such as purchasing officers for large Government agencies, because of the importance of Basofil's properties to all consumers in need of textile fiber products with resistance to heat and flame. The Commission believes that granting a generic name and definition for Basofil fiber will assist consumers seeking high heat and flame resistance to identify those textile fiber products containing Basofil. Thus, the application satisfies this final criterion.

d. Conclusion

Based on the foregoing, the Commission finds that BASF's fiber Basofil is of a distinctive chemical composition not encompassed by any of the Textile Rules' existing generic definitions for manufactured fibers, that its physical properties are important to the public, that the fiber is in active commercial use, and that the granting of a new generic name and definition is important to the consuming public at

large. Because the Commission has received no additional information bearing on this issue beyond that available to it when it proposed in the NPR to amend Rule 7 to include a name and definition for Basofil, the Commission amends Rule 7 of the Textile Rules by adding the following new name and definition for BASF's fiber:

Melamine. A manufactured fiber in which the fiber-forming substance is a synthetic polymer composed of at least 50% by weight of a cross-linked melamine polymer.

C. The DuPont NPR

1. Fiber Description and Proposed Name and Definition

The DuPont NPR provided a detailed description, taken from DuPont's application, of Teflon PTFE fluorocarbon fiber's chemical composition and physical and chemical properties.² DuPont described Teflon PTFE fluorocarbon fiber generally as inherently low friction, water-resistant, flame-resistant, and low modulus (i.e., with a high degree of flexibility, so textile products that are made from the fiber will drape easily to conform to the shape of the wearer, and will feel soft and comfortable to the touch). DuPont expects the initial market for the fiber to be sports apparel where fabrics from Teflon fiber and blends containing it may reduce the chance of skin irritation and may have other desirable characteristics, such as permanent water- and stain- resistance, softer hand, and improved comfort.

DuPont described the chemical characteristics of Teflon PTFE fluorocarbon fibers and the base resins used to make the fibers as follows:

Teflon PTFE fluorocarbon resins and fibers developed by DuPont have unusually high thermo-chemical resistance and display exceptionally low coefficients of friction. The molecular structure of Teflon PTFE fluorocarbon consists of long chains of carbon atoms fully saturated by fluorine atoms. The carbon-fluorine bonds are extremely strong and the carbon-carbon bonds are well-shielded by the fluorine atoms * * * Molecules of Teflon PTFE fluorocarbons are electrically neutral and therefore lack the strong polar forces that bind together the molecules of other fibers such as nylon or cellulose. However, the extreme regularity of the molecules permits very close packing.

DuPont stated that the coefficient of friction of Teflon PTFE fluorocarbon

fiber is the lowest of all known fibers, and that, because the static coefficient of friction is only slightly higher than the dynamic value, the fiber does not exhibit "stick-slip" behavior, which means that the fiber feels very smooth and slippery when rubbed between the fingers, rather than periodically catching and slipping. DuPont also asserted that its fiber is the most chemically resistant fiber known, and that the only known solvents for Teflon fiber or resin are selected perfluorinated organic liquids at temperatures above 570° F (299° C).

DuPont asserted that continuous exposure to temperatures below 400° F (204° C) ordinarily does not degrade the fiber, and that the fiber is stable over a wide range of temperatures. According to DuPont, the fiber becomes less ductile at extremely low temperatures and softens at extremely high temperatures, and that adequate toughness and strength are available for selected uses at temperatures as low as -450° F (-268° C) and as high as 550° F (288° C). DuPont also asserted that Teflon PTFE fluorocarbon fiber has significant resistance to sunlight and the effects of weather.

The Commission proposed the following fiber name and definition, which had been suggested by DuPont:

Fluoropolymer. A manufactured fiber containing at least 95% of a long-chain polymer synthesized from aliphatic fluorocarbon monomers.

DuPont suggested "fluoropolymer" in its application so the fiber's name would be consistent with all other products that DuPont sells under the brand name "Teflon," and because the name "fluoropolymer" is already well-established in association with its Teflon PTFE fluorocarbon fiber. The Commission noted in the DuPont NPR, however, that a name—"fluorofibre"—has already been established for this type of fiber by the International Organization for Standardization ("ISO") for fibers (like Teflon PTFE fluorocarbon fiber) that are composed of linear macromolecules made from aliphatic fluorocarbon monomers. The Commission therefore solicited comment on whether, in the interests of international standardization of fiber terminology, the ISO generic name (spelled "fluorofibre" or "fluorofiber") would be more appropriate than DuPont's suggested name ("fluoropolymer") to describe fibers similar to DuPont's Teflon PTFE fluorocarbon fiber.

² 63 FR 447, at 447-48 (Jan. 6, 1998). For brevity's sake, the Commission is providing a simplified description of the fiber today, and refers those members of the public who wish to see detailed technical information about the fiber to the earlier description in the NPR.

2. Discussion of the Three Criteria

a. Distinctive Chemical Composition and Physical Properties of Importance to the Public

The facts that the coefficient of friction of Teflon PTFE fluorocarbon fiber is the lowest of all known fibers, that the fiber is the most chemically resistant fiber known, and that the fiber is stable over a wide range of temperatures, together with its unique molecular structure, result in a distinctive chemical composition and distinctive physical properties. The Commission agrees with DuPont that its fiber does not fall under any of the existing definitions in the Textile Rules. The properties of Teflon PTFE fluorocarbon fiber generally—low friction, water-resistance, flame-resistance, and low modulus—are of considerable importance to the public, because they result in a fiber that can be used in sports apparel and other wearing apparel where reduced skin irritation, permanent water- and stain-resistance, softer hand, and improved comfort are highly desirable. Thus, the application meets this first criterion.

b. Active Commercial Use

DuPont has informed Commission staff that it is currently producing Teflon PTFE fluorocarbon fiber in significant quantities for use in sports-related textile wearing apparel, and that it has observed manufacturers in Japan beginning to market similar fibers in markets abroad. Consequently, the criterion for active commercial use is satisfied.

c. Importance to the Consuming Public

As discussed above, Teflon PTFE fluorocarbon fiber exhibits the characteristics of low friction, water- and flame-resistance, and low modulus. The Commission believes that granting a new generic name to identify this fiber is of importance to the consuming public at large, and not just to a few knowledgeable professionals, because it will enable consumers to recognize garments (such as hiking and athletic socks) with a reduced chance of skin irritation, significant water- and stain-resistance, softer hand, and improved comfort. Thus, DuPont's application meets this third criterion.

d. Conclusion

Based on the foregoing, the Commission finds that DuPont's Teflon PTFE fluorocarbon fiber is of a distinctive chemical composition not encompassed by any of the Textile Rules' existing generic definitions for

manufactured fibers, that its physical properties are important to the public, that the fiber is in active commercial use, and that the granting of a new generic name and definition is important to the consuming public at large. Because the Commission has received no additional information bearing on this issue (including whether to adopt the name "fluorofiber/fluorofibre" instead of DuPont's proposed name "fluoropolymer")³ beyond that available to it when it proposed in the DuPont NPR to amend Rule 7 to include a name and definition for Teflon PTFE fluorocarbon fiber, the Commission amends Rule 7 of the Textile Rules by adding the following new name and definition for DuPont's fiber:

Fluoropolymer. A manufactured fiber containing at least 95% of a long-chain polymer synthesized from aliphatic fluorocarbon monomers.

III. Effective Date

The Commission is making the amendments effective today, as permitted by 5 U.S.C. 553(d), because the amendments do not create new obligations under the Rule; rather, they merely create a fiber name and definition that the public may use to comply with the Rule.

IV. Regulatory Flexibility Act

In the two NPRs, the Commission tentatively concluded that the provisions of the Regulatory Flexibility Act relating to an initial regulatory analysis, 5 U.S.C. 603–604, did not apply to the proposals because the amendments, if promulgated, would not have a significant economic impact on a substantial number of small entities. The Commission believed that the proposed amendments would impose no additional obligations, penalties, or costs. The amendments simply would allow covered companies to use new generic names for new fibers that may not appropriately fit within current generic names and definitions, and would impose no additional labeling requirements. To ensure, however, that no substantial economic impact was overlooked, the Commission solicited public comment in the two NPRs on the effects of the proposed amendment on costs, profits, competitiveness of, and

³ Amendments to the Textile Rules promulgated since the NPRs were published now permit the description of generic fibers defined in Rule 7 by means of the ISO designations. 68 FR 7,508; 7,510–11; 7,518 (Feb. 13, 1998). Thus, marketers who wish to use "fluorofibre" (or "fluorofiber") to describe DuPont's fiber now may do so pursuant to that amendment, or they could use "fluoropolymer" in accordance with today's amendment.

employment in small entities. 63 FR 447, at 448–49; 63 FR 449, at 451 (Jan. 6, 1998).

No comments were received on this (or any other) issue in response to the two NPRs. Accordingly, the Commission hereby certifies, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), that the amendments promulgated today will not have a significant economic impact on a substantial number of small entities.

V. Paperwork Reduction Act

These amendments do not constitute "collection[s] of information" under the Paperwork Reduction Act of 1995, Pub. L. 104–13, 109 Stat. 163, 44 U.S.C. Chapter 35 (as amended), and its implementing regulations, 5 CFR 1320 *et seq.* (1997). Those procedures for establishing generic names that do constitute collections of information, 16 CFR 303.8 (1997), have been submitted to OMB, which has approved them and assigned them control number 3084–0101.

List of Subjects in 16 CFR Part 303

Labeling, Textile, Trade Practices.

VI. Text of Amendments

For reasons set forth in the preamble, 16 CFR Part 303 is amended as follows:

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

1. The authority citation for part 303 continues to read as follows:

Authority: Sec. 7(c) of the Textile Fiber Products Identification Act (15 U.S.C. 70e(c)).

2. In § 303.7, paragraphs (w) and (x) are added, to read as follows:

§ 303.7 Generic names and definitions for manufactured fibers.

* * * * *

(w) *Melamine.* A manufactured fiber in which the fiber-forming substance is a synthetic polymer composed of at least 50% by weight of a cross-linked melamine polymer.

(x) *Fluoropolymer.* A manufactured fiber containing at least 95% of a long-chain polymer synthesized from aliphatic fluorocarbon monomers.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 98–17541 Filed 7–1–98; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Part 177**

[Docket No. 90F-0435]

Indirect Food Additives: Polymers**AGENCY:** Food and Drug Administration, HHS.**ACTION:** Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of isobutylene-butene copolymers as a plasticizer in polypropylene intended for use in contact with food. This action responds to a food additive petition filed by Amoco Chemical Co.

DATES: The regulation is effective July 2, 1998. Submit written objections and requests for a hearing by August 3, 1998.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS-215), 200 C St. SW., Washington, DC 20204, 202-418-3091.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of January 11, 1991 (56 FR 1197), FDA announced that a petition (FAP 1B4238) had been filed by Amoco Chemical Co., Chicago, IL 60601. The petition proposed to amend the food additive regulations in § 177.1430 *Isobutylene-butene copolymers* (21 CFR 177.1430) to provide for the safe use of isobutylene-butene copolymers as components of food-contact articles and as plasticizers in polypropylene in contact with food complying with 21 CFR 177.1520. Upon further review of the petition, the agency has determined that the

petitioner is proposing only the use of isobutylene-butene copolymers as a plasticizer in polypropylene.

FDA has evaluated the data in the petition and other relevant material. The agency concludes that: (1) The proposed use of the additive in polypropylene articles is safe, (2) the additive will have the intended technical effect, and therefore, (3) the regulations in § 177.1430 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before August 3, 1998, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any

particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR part 177 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379(e).

2. Section 177.1430 is amended in the table in paragraph (b) by revising item "2." under the heading "Isobutylene-butene copolymers" to read as follows:

§ 177.1430 Isobutylene-butene copolymers.

* * * * *

(b) * * *

Isobutylene-butene copolymers	Molecular weight (range)	Viscosity (range)	Maximum bromine value
* * *	*	*	*
2. Used as plasticizers in polyethylene or polypropylene complying with § 177.1520, and in polystyrene complying with § 177.1640.			
* * *	*	*	*

* * * * *

Dated: June 23, 1998.

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 98-17543 Filed 7-1-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 97F-0468]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of tris(2,4-di-*tert*-butylphenyl)phosphite by removing the restrictions on the temperature of use in low-density polyethylene films of thickness greater than 0.051 millimeter (mm) (0.002 inch (in)), provided that the film does not contain a total of tris(2,4-di-*tert*-butylphenyl)phosphite in excess of 0.062 milligram (mg) per square inch (in²) of the food-contact surface. This action is in response to a petition filed by Ciba Specialty Chemicals Corp.

DATES: This regulation is effective July 2, 1998. Written objections and requests for a hearing by August 3, 1998.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of November 28, 1997 (62 FR 63350), FDA announced that a food additive petition (FAP 8B4563) had been filed by Ciba Specialty Chemicals Corp., c/o Keller

and Heckman, 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposed to amend the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the safe use of tris(2,4-di-*tert*-butylphenyl)phosphite by removing the restriction on the temperature of use in low-density polyethylene films of thickness greater than 0.051 mm (0.002 in), provided that the film does not contain a total of tris(2,4-di-*tert*-butylphenyl)phosphite in excess of 0.062 mg per in² of the food contact-surface.

FDA has evaluated data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additive is safe, that the additive will achieve its intended technical effect, and that therefore, the regulations in § 178.2010 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the notice of filing for FAP 8B4563 (62 FR 63350). FDA has concluded that the action is of a type that does not individually or cumulatively have a significant effect on the human environment, and that therefore, neither an environmental assessment nor an environmental impact statement is required.

Any person who will be adversely affected by this regulation may at any time on or before August 3, 1998, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made

and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objection received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 178.2010 is amended in the table in paragraph (b) by revising the entry for "tris(2,4-di-*tert*-butylphenyl)phosphite" in item "6." under the heading "Limitations" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
<p>* * *</p> <p>Tris(2,4-di-<i>tert</i>-butylphenyl)phosphite. (CAS Reg. No. 31570-04-4).</p> <p>* * *</p>	<p>* * *</p> <p>For use only:</p> <p>* * *</p> <p>6. At levels not to exceed 0.2 percent by weight of olefin polymers complying with § 177.1520(c) of this chapter, items 2.1, 2.2, 2.3, 3.1(a), 3.1(b), 3.1(c), 3.2(a), or 3.2(b). The finished polymers complying with items 2.1, 2.2, or 2.3 having a density less than 0.94 gram per cubic centimeter and a thickness greater than 0.051 millimeter (0.002 inch), either shall have a level of tris(2,4-di-<i>tert</i>-butylphenyl)phosphite that shall not exceed 0.062 milligram per square inch of food-contact surface or shall contact all food types identified in Table 1 of § 176.170(c) of this chapter only under conditions of use E, F, and G described in Table 2 of § 176.170(c) of this chapter.</p> <p>* * *</p>

Dated: June 23, 1998.

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 98-17545 Filed 7-1-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 97F-0469]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the expanded safe use of phosphorous acid, cyclic butylethyl propanediol, 2,4,6-tri-*tert*-butylphenyl ester, which may contain up to 1 percent by weight of triisopropanolamine, as an antioxidant and/or stabilizer in high-density polyethylene and high-density olefin copolymers intended for use in contact with food. This action is in response to a petition filed by General Electric Co.

DATES: This regulation is effective July 2, 1998. Written objections and requests for a hearing by August 3, 1998.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of November 20, 1997 (62 FR 62062), FDA announced that a food additive petition (FAP 8B4567) had been filed by General Electric Co., One Lexan Lane, Mt. Vernon, IN 47620-9364. The petition proposed to amend the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the expanded safe use of phosphorous acid, cyclic butylethyl propanediol, 2,4,6-tri-*tert*-butylphenyl ester, which may contain up to 1 percent by weight of triisopropanolamine, as an antioxidant and/or stabilizer in high-density polyethylene and high-density olefin copolymers (more appropriately identified as high-density polyethylene homopolymers and copolymers) intended for use in contact with food.

FDA has evaluated data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additive is safe and that the additive will achieve its intended technical effect. Therefore, the regulations in § 178.2010 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not

available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the notice of filing for FAP 8B4567 (62 FR 62062). FDA has concluded that the action is of the type that does not individually or cumulatively have a significant effect on the human environment, and that therefore, neither an environmental assessment nor an environmental impact statement is required.

Any person who will be adversely affected by this regulation may at any time on or before August 3, 1998, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objection received in response to the regulation may be seen in the Dockets Management Branch

between 9 a.m. and 4 p.m., Monday through Friday.

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner

of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR Part 178 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 178.2010 is amended in the table in paragraph (b) by revising the entry for “Phosphorous acid, cyclic butylethyl propanediol, 2,4,6-tri-*tert*-butylphenyl ester” by adding item “4.” under the heading “Limitations” to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * *	* * *
Phosphorous acid, cyclic butylethyl propanediol, 2,4,6-tri- <i>tert</i> -butylphenyl ester (CAS Reg. No. 161717–32–4), which may contain not more than 1 percent by weight of triisopropanolamine (CAS Reg. No. 122–20–3).	For use only: * * * 4. At levels not to exceed 0.1 percent by weight of olefin polymers complying with § 177.1520(c) of this chapter, items 2.1, 2.2, 2.3, 3.1(a), 3.1(b), 3.1(c), 3.2 (a), or 3.2(b), having a density not less than 0.94 grams per cubic centimeter, in contact with foods only of types III, IV, V, VI–A, VI–C, VII, VIII, and IX identified in Table 1 of § 176.170(c) of this chapter, and under conditions of use B through H as described in Table 2 of § 176.170(c) of this chapter; provided that the food-contact surface does not exceed 0.003 inch (0.076 mm) in thickness.
* * *	* * *

Dated: June 23, 1998.

L. Robert Lake,
Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 98–17544 Filed 7–1–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 520

Animal Drugs, Feeds, and Related Products; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the change of sponsor for two approved new animal drug applications (NADA’s) from Danbury Pharmacal, Inc., to Phoenix Scientific, Inc.

EFFECTIVE DATE: July 2, 1998.

FOR FURTHER INFORMATION CONTACT: Thomas J. McKay, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0213.

SUPPLEMENTARY INFORMATION: Danbury Pharmacal, Inc., 131 West St., Danbury, CT 06810, has informed FDA that it has transferred the ownership of and all rights and interests in the approved NADA’s 91–818 and 94–170 (phenylbutazone tablets) to Phoenix Scientific, Inc., 3915 South 48th St. Terrace, P.O. Box 6457, St. Joseph, MO 64506–0457. The agency is amending 21 CFR 510.600(c)(1) and (c)(2) to remove the sponsor name for Danbury Pharmacal, Inc., because the firm no longer is the holder of any approved NADA’s. The agency also is amending 21 CFR 520.1720a to reflect the change of sponsor.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Parts 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 520 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in the table in paragraph (c)(1) by removing the entry for “Danbury Pharmacal, Inc.”; and in the table in paragraph (c)(2) by removing the entry for “000591”.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.1720a [Amended]

4. Section 520.1720a *Phenylbutazone tablets and boluses* is amended in paragraph (b)(3) by removing the numbers “000591, 000856, 000864, and 015579” and adding in their place the numbers “000856, 000864, 015579, and 059130”.

Dated: June 22, 1998.

Margaret Ann Miller,

Acting Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 98-17542 Filed 7-1-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs For Use In Animal Feeds; Penicillin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of two supplemental new animal drug applications (NADA's), one filed by Alpha Pharma Inc., the other by Pfizer, Inc. The supplemental NADA's provide for using approved penicillin G procaine Type A medicated articles to make Type C medicated chicken, turkey, pheasant, quail, and swine feeds used for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: July 2, 1998.

FOR FURTHER INFORMATION CONTACT:

Dianne T. McRae, Center for Veterinary Medicine (HFV-102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1623.

SUPPLEMENTARY INFORMATION: Alpha Pharma Inc., One Executive Dr., P.O. Box 1399, Fort Lee, NJ 07024, is sponsor of NADA 46-666. Pfizer, Inc., 235 East 42d St., New York, NY 10017, is sponsor of NADA 46-668. The sponsors filed supplemental NADA's that provide for amending the regulations concerning use of penicillin Type A medicated articles to make Type B and C medicated feeds for chickens, turkeys, pheasants, quail, and swine for increased rate of weight gain and improved feed efficiency. The supplemental NADA's reflect the results

of the National Academy of Sciences/ National Research Council (NAS/NRC) Drug Efficacy Study Implementation (DESI) review of the products' effectiveness and FDA's conclusions based on that review (35 FR 11533, July 17, 1970).

NAS/NRC evaluated these products as probably effective for faster gain and/or feed efficiency. FDA concurred with these findings and concluded that the appropriate claim should be "for increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)." The evaluation concerned only the drug's effectiveness and safety to the animal to which administered, and it did not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

In the **Federal Register** of August 30, 1977 (42 FR 43772), the then Bureau of Veterinary Medicine issued a notice of opportunity for hearing (NOOH) on a proposal to withdraw approval of NADA's for all penicillin-containing premixes (Type A medicated articles) intended for subtherapeutic use in animal feeds. The NOOH was issued in response to scientific research suggesting that subtherapeutic use of such drugs has contributed to the pool of antibiotic-resistant pathogenic microorganisms in food animals. Furthermore, research indicated that the drug resistance could be transferred to pathogenic organisms in humans. The NOOH is still pending and approval of these supplements to finalize the DESI review process for penicillin-containing Type A medicated articles does not constitute a bar to subsequent action to withdraw approval on the grounds cited in the outstanding NOOH.

The supplemental NADA's are approved as of April 10, 1998. The regulations are amended in 21 CFR 558.460 by redesignating paragraphs (b) and (c) as paragraphs (c) and (d), by adding new paragraph (b), and by

revising the table in paragraph (d) to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(3) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

2. Section 558.460 is amended by redesignating paragraphs (b) and (c) as paragraphs (c) and (d), by adding paragraph (b), and by revising the table in paragraph (d)(1) to read as follows:

§ 558.460 Penicillin.

* * * * *

(b) *Sponsors.* Type A medicated articles: To 000069, 100 grams per pound. To 046573, 100 and 227 grams per pound.

* * * * *

(d) * * *

(1) * * *

Penicillin in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) 2.4 to 50		Chickens, turkeys, and pheasants; for increased rate of weight gain and improved feed efficiency.	Do not feed to poultry producing eggs for human consumption.	000069, 046573.
(ii) 5 to 20		Quail; for increased rate of weight gain and improved feed efficiency.	Quail; not over 5 weeks of age.	Do.

Penicillin in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(iii) 10 to 50		Swine; for increased rate of weight gain and improved feed efficiency.		Do.

* * * * *

Dated: June 22, 1998.

Margaret Ann Miller,

Acting Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 98-17546 Filed 7-1-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 8775]

RIN 1545-AV79

Election Not to Apply Look-Back Method in De Minimis Cases

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final and temporary regulations.

SUMMARY: This document contains regulations explaining how a taxpayer elects under section 460(b)(6) not to apply the look-back method to long-term contracts in de minimis cases. The regulations reflect changes to the law made by the Taxpayer Relief Act of 1997 and affect manufacturers and construction contractors whose long-term contracts otherwise are subject to the look-back method.

DATES: *Effective date:* These regulations are effective July 2, 1998.

Applicability date: These regulations apply to long-term contracts completed in taxable years ending after August 5, 1997.

FOR FURTHER INFORMATION CONTACT: Leo F. Nolan II or John M. Aramburu at (202) 622-4960 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in these final regulations has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1545-1572. Responses to this collection of information are required for a taxpayer to elect not to apply the look-back method to long-

term contracts in de minimis cases. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. The estimated average burden per respondent is 0.2 hours.

Comments concerning the accuracy of this burden estimate should be sent to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, OP:FS:FP, Washington, DC 20224, and to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

This document contains amendments to the Income Tax Regulations (26 CFR part 1). Section 460(b)(6) of the Internal Revenue Code was added by section 1211 of the Taxpayer Relief Act of 1997, Public Law 105-34, 111 Stat. 788, 998, to provide an election not to apply the look-back method of section 460(b)(2) to long-term contracts in de minimis cases. These regulations provide guidance concerning this new election.

A notice of proposed rulemaking was published in the **Federal Register** for January 13, 1998 (63 FR 1932). No written comments were received, and no public hearing was requested or held. The proposed regulations under section 460 are adopted by this Treasury decision with one revision. The final regulations provide that for long-term contracts completed in taxable years ending after August 5, 1997, an election not to apply the look-back method under section 460(b)(6) automatically revokes an election under § 1.460-6(e) to use the delayed reapplication method.

Special Analyses

It has been determined that this final regulation is not a significant regulatory

action as defined in EO 12866.

Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations.

Moreover, it is hereby certified that the collection of information in these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that the time required to prepare and file an election statement is minimal and will not have a significant impact on those small entities that choose to make the election. In addition, the election need only be made once by a taxpayer. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required.

Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on the impact of the proposed regulations on small business.

Drafting Information

The principal author of these regulations is Leo F. Nolan II, Office of Assistant Chief Counsel (Income Tax and Accounting). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 602 are amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by removing the entry for “§ 1.460-6T” to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 2. In § 1.460-0, the entry for § 1.460-6 is amended by adding entries for paragraphs (i) and (j) and the entry for § 1.460-6T is removed to read as follows:

§ 1.460-0 Outline of regulations under section 460.

* * * * *

§ 1.460-6 Look-back method.

* * * * *

(i) [Reserved].

(j) Election not to apply look-back method in de minimis cases.

* * * * *

Par. 3. In § 1.460-6, paragraph (i) is added and reserved and paragraph (j) is added to read as follows:

§ 1.460-6 Look-back method.

* * * * *

(i) [Reserved].

(j) *Election not to apply look-back method in de minimis cases.* Section 460(b)(6) provides taxpayers with an election not to apply the look-back method to long-term contracts in de minimis cases, effective for contracts completed in taxable years ending after August 5, 1997. To make an election, a taxpayer must attach a statement to its timely filed original federal income tax return (including extensions) for the taxable year the election is to become effective or to an amended return for that year, provided the amended return is filed on or before March 31, 1998. This statement must have the legend "NOTIFICATION OF ELECTION UNDER SECTION 460(b)(6)"; provide the taxpayer's name and identifying number and the effective date of the election; and identify the trades or businesses that involve long-term contracts. An election applies to all long-term contracts completed during and after the taxable year for which the election is effective. An election may not be revoked without the Commissioner's consent. For taxpayers who elected to use the delayed reapplication method under paragraph (e) of this section, an election under this paragraph (j) automatically revokes the election to use the delayed reapplication method for contracts subject to section 460(b)(6). A consolidated group of corporations, as defined in § 1.1502-1(h), is subject to consistency rules analogous to those in paragraph (e)(2) of this section and in paragraph (d)(4)(ii)(C) of this section (concerning election to use simplified marginal impact method).

§ 1.460-6T [Removed]

Par. 4. Section 1.460-6T is removed.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 5. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 6. In § 602.101, paragraph (c) is amended by:

1. Removing the following entry from the table:

§ 602.101 OMB Control numbers.

* * * * *

(c) * * *

CFR part or section where identified and described	Current OMB control No.
* * * * *	
1.460-6T	1545-1572
* * * * *	

2. Revising the entry for § 1.460-6 to read as follows:

§ 602.101 OMB Control numbers.

* * * * *

(c) * * *

CFR part or section where identified and described	Current OMB control No.
* * * * *	
1.460-6	1545-1031 1545-1572
* * * * *	

Michael P. Dolan,

Deputy Commissioner of Internal Revenue.

Approved: June 12, 1998.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 98-17697 Filed 7-1-98; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07-98-008]

RIN 2115-AE46

Special Local Regulations; Around Alone Sailboat Race, Charleston, SC

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations creating a regulated area in

the coastal waters off Charleston, SC, for the Around Alone single-handed sailboat race, sponsored by Great Adventure, Ltd. These regulations will prohibit entry into the regulated area by non-participating vessels during the event. These regulations are necessary to provide for the safety of life on navigable waters because of the expected presence of numerous spectator craft.

DATES: This regulation is effective from 10 a.m. (EDT) until 2 p.m. (EDT) on September 26, 1998.

FOR FURTHER INFORMATION CONTACT: LTJG S. Brisco, Project Manager, Coast Guard Group Charleston at (803) 724-7628.

SUPPLEMENTARY INFORMATION:

Regulatory History

The Coast Guard published a Notice of Proposed Rulemaking in the **Federal Register** on March 30, 1998 (63 FR 15115). No comments were received during the comment period.

Background and Purpose

These regulations are needed to provide for the safety of life during the start of the Around Alone 1998-99 sailing race. These regulations are intended to promote safe navigation offshore Charleston Harbor immediately before, during, and after the start of the race, by controlling the traffic entering, exiting, and traveling within the regulated area. The anticipated concentration of commercial traffic, spectator vessels, and participating vessels associated with the race poses a safety concern which is addressed in these proposed safety regulations.

The regulated area will encompass a trapezoidal area south of Charleston Harbor entrance lighted buoy 7 (LLNR 2405). Four conspicuous markers will indicate the corners of the regulated area. These regulations prohibit the movement of spectator vessels and other non-participants within the regulated area on September 26, 1998, between 10 a.m. and 2 p.m., at the discretion of the Coast Guard Patrol Commander.

Regulatory Evaluation

This rule is not a major significant regulatory action under section 3(f) of executive order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard

expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The regulations will only be in effect for approximately 4 hours on September 26, 1998.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their field, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because the regulated area would be in effect for only 4 hours in a limited area outside Charleston harbor.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this proposal, and has determined pursuant figure 2-1, paragraph #34(h) of Commandant Instruction M16475.1C, that this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket for inspection and copying.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Temporary Regulations

In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 40 CFR 1.46 and 33 CFR 100.35

2. A new section 100.35T-07-008 is added to read as follows:

§ 100.35T-07-008 Around Alone 1998-99 Sailing Race; Charleston, SC.

(a) Definitions:

(1) *Regulated area.* The regulated area includes the waters off Charleston, SC, in an area bounded by four corner points located at 32-42.72N, 79-47.64W; 32-42.09N, 79-46.96W; 32-41.61N, 79-47.28W; and 32-41.78N, 79-48.27W. All coordinates reference Datum: NAD 83. These four points will be conspicuously marked with four markers.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Charleston, SC.

(b) Special Local Regulations.

(1) Entry into the regulated area by other than event participants is prohibited, unless otherwise authorized by the Coast Guard Patrol Commander.

(2) The Coast Guard Patrol Commander may delay, modify, or cancel the race as conditions or circumstances require. The Coast Guard Patrol Commander shall monitor the start of the race with the race committee, to allow for a window of opportunity for the race participants to depart the harbor with minimal interference with inbound or outbound commercial traffic.

(3) Spectator and other non-participating vessels may only follow the participants out of Charleston Harbor to the race starting area if they maintain a minimum distance of 500 yards behind the last participant, at the discretion of the Patrol Commander. Upon completion of the start of the race and when the last race participant has passed the outermost boundary of the regulated area, all vessels may resume normal operations.

(c) *Date.* This section becomes effective at 10 a.m. and terminates at 2 p.m. EDT on September 26, 1998.

Dated: June 24, 1998.

Norman T. Saunders,

Rear Admiral, U.S. Coast Guard Commander, Seventh Coast Guard District.

[FR Doc. 98-17651 Filed 7-1-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD08-98-034]

RIN 2115-AE46

Special Local Regulations; Head of the Ohio, Allegheny River Mile 0.0-3.3

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This notice implements 33 CFR 100.201, "Annual marine events within the Second Coast Guard District", Table One, number 79, listed as "Head of the Ohio". In 1996, the Second Coast Guard District was disestablished, and the Eighth District boundaries were expanded to include the prior Second District area of responsibility. The Eighth District Commander now exercises authority over the combined geographical region. 61 FR 29958 (June 13, 1996). This event will be held on October 3, 1998 at Pittsburgh, Pennsylvania. Implementation of section 33 CFR 100.201 (Table One, 79) is necessary to provide for the safety of life on navigable waters during the event.

DATES: 33 CFR 100.201 (Table One, 79) is effective from 7 a.m. until 6 p.m. on October 3, 1998.

FOR FURTHER INFORMATION CONTACT:

LT T.J. Ferring, Marine Safety Office, Pittsburgh, PA, Tel: (412) 644-5808.

SUPPLEMENTARY INFORMATION: The Head of the Ohio is a river festival sponsored by the Pittsburgh Mercy Foundation. These special local regulations permit the Coast Guard to control vessel traffic in order to ensure the safety of spectators and participants. Spectators will be able to view the event from areas designated by the sponsor. Non-participating vessels will be able to transit the area during breaks between scheduled events.

Dated: June 11, 1998.

A.L. Gerfin, Jr.,

Captain, U.S. Coast Guard Commander, 8th Coast Guard Dist. Acting.

[FR Doc. 98-17650 Filed 7-1-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[GCD08-98-033]

RIN 2115-AE46

Special Local Regulations; Pittsburgh Three Rivers Regatta Allegheny River Mile 0.0-0.5, Monongehela River Mile 0.0-0.2 and Ohio River Mile 0.0-0.9

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This notice implements the special local regulations of 33 CFR 100.201, "Annual marine events within the Second Coast Guard District", Table One, number 47, listed as "Pittsburgh Three Rivers Regatta." In 1996, the Second Coast Guard District was disestablished, and the Eighth District boundaries were expanded to include the prior Second District area of responsibility. The Eighth District Commander now exercises authority over the combined geographical region. 61 FR 29958 (June 13, 1996). This event will be held from 30 July to 2 August 1998 at Pittsburgh, Pennsylvania. Implementation of section 33 CFR 100.201 (Table One, 47) is necessary to provide for the safety of life on navigable waters during the event.

DATES: 33 CFR 100.201 (Table One, 47) is effective on the following dates/times: 8 a.m. until 11 p.m. on July 30, 1998; 8 a.m. until 11 p.m. on July 31, 1998; 8 a.m. until 12 p.m. on August 01, 1998; 8 a.m. until 9 p.m. on August 02, 1998.

FOR FURTHER INFORMATION CONTACT: LT T.J. Ferring, Marine Safety Office, Pittsburgh, PA, Tel: (412) 644-5808.

SUPPLEMENTARY INFORMATION: The Pittsburgh Three Rivers Regatta is an annual river festival sponsored by Three Rivers Regatta Inc. These special local regulations permit the Coast Guard to control vessel traffic in order to ensure the safety of spectators and participants. Spectators will be able to view the event from areas designated by the sponsor. Non-participating vessels will be able to transit the area during breaks between scheduled events.

Dated: June 11, 1998.

A.L. Gerfin, Jr.,*Captain, U.S. Coast Guard, Commander, 8th Coast Guard Dist. Acting.*

[FR Doc. 98-17649 Filed 7-1-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD08-98-032]

RIN 2115-AE46

Special Local Regulations; Steubenville Regatta, Ohio River Mile 65.0-67.0

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This notice implements 33 CFR 100.210, "Annual marine events within the Second Coast Guard District", Table One, number 35, listed as the "10th Annual Steubenville Regatta". In 1996 the Second Coast Guard District was disestablished, and the Eighth District boundaries were expanded to include the prior Second District area of responsibility. The Eighth District Commander now exercises authority over the combined geographical region. 61 FR 29958 (June 13, 1996). This event will be held from August 7 through 9, 1998 in Steubenville, Ohio. Implementation of section 33 CFR 100.201 (Table One, 35) is necessary to provide for the safety of life on navigable waters during the event.

DATES: 33 CFR 100.201 (Table One, 35) is effective on the following dates/times: Aug 7, 1998 from 8 a.m. until 11 p.m.; Aug 8, 1998 from 8 a.m. until 11 p.m.; and Aug 9, 1998 from 8 a.m. until 9 p.m.

FOR FURTHER INFORMATION CONTACT: LT T.J. Ferring, Marine Safety Office Pittsburgh, PA Tel: (412) 644-5808.

SUPPLEMENTARY INFORMATION: The Steubenville Regatta is an annual river festival sponsored by the Steubenville Regatta and Racing Association, Inc. These special local regulations permit the Coast Guard to control vessel traffic in order to ensure the safety of spectators and participants. Spectators will be able to view the event from areas designated by the sponsor. Non-participating vessels will be able to transit the area during breaks between scheduled events.

Dated: June 11, 1998.

A.L. Gerfin, Jr.,*Captain, U.S. Coast Guard, Commander, 8th Coast Guard Dist. Acting.*

[FR Doc. 98-17648 Filed 7-1-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD08-98-031]

RIN 2115-AE46

Special Local Regulations; Oakmont Yacht Club Regatta Allegheny River Mile 12.0-13.0

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This notice implements 33 CFR 100.201, "Annual marine events within the Second Coast Guard District", Table One, number 43, listed as "Oakmont Yacht Club Regatta". In 1996, the Second Coast Guard District was disestablished, and the Eighth District boundaries were expanded to include the prior Second District area of responsibility. The Eighth District Commander now exercises authority over the combined geographical region. 61 FR 29958 (June 13, 1996). This event will be held on July 25 and 26, 1998 in Oakmont, Pennsylvania. Implementation of section 33 CFR 100.201 (Table One, 43) is necessary to provide for the safety of life on navigable waters during the event.

DATES: 33 CFR 100.201 (Table One, 43) is effective on the following dates/times: July 25, 1998 from 8 a.m. to 11 p.m. and July 26, 1998 from 8 a.m. to 9 p.m.

FOR FURTHER INFORMATION CONTACT:

LT T.J. Ferring, Marine Safety Office, Pittsburgh, PA Tel: (412) 644-5808.

SUPPLEMENTARY INFORMATION: The Oakmont Yacht Club Regatta is a river festival sponsored by the Oakmont Yacht Club. These special local regulations permit the Coast Guard to control vessel traffic in order to ensure the safety of spectators and participants. Spectators will be able to view the event from areas designated by the sponsor. Non-participating vessels will be able to transit the area during breaks between scheduled events.

Dated: June 11, 1998.

A. L. Gerfin, Jr.,*Captain, U.S. Coast Guard, Commander, 8th Coast Guard District, Acting.*

[FR Doc. 98-17647 Filed 7-1-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 980108007-8131-02]

RIN 0651-AA97

Changes to Continued Prosecution Application Practice

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office (Office) is confirming the amendment of its regulations that removed the requirement that the prior application of a continued prosecution application (CPA) must have been filed on or after June 8, 1995. This requirement was removed in response to requests from the public.

DATES: This final rule is effective on July 2, 1998. The interim rule, published at 63 FR 5732, was effective February 4, 1998.

Applicability date: This rule change applies to all continued prosecution applications filed on or after December 1, 1997.

FOR FURTHER INFORMATION CONTACT:

Concerning this final rule: Hiram H. Bernstein or Robert W. Bahr, Senior Legal Advisors, by telephone at (703) 305-9285; or by mail addressed to: Box Comments—Patents, Assistant Commissioner for Patents, Washington, DC 20231; or by facsimile to (703) 308-6916, marked to the attention of Mr. Bernstein.

Concerning § 1.53 in General: John F. Gonzales, Fred A. Silverberg, or Robert W. Bahr, Senior Legal Advisors, at the above-mentioned telephone number.

SUPPLEMENTARY INFORMATION: Continued Prosecution Application (CPA) practice under § 1.53(d) was adopted to permit applicants to obtain further examination of an application. *See Changes to Patent Practice and Procedure*; Final Rule Notice, 62 FR 53131, 53147 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* 63, 76-77 (October 21, 1997). Section 1.53(d) as adopted, effective December 1, 1997, required, *inter alia*, that the prior application of a CPA be filed on or after June 8, 1995. *See* Final Rule Notice, 62 FR at 53186, 1203 *Off. Gaz. Pat. Office* at 112. Thus, if an application was filed before June 8, 1995, the applicant was required to file a continuation (or divisional) under § 1.53(b) to obtain further examination.

Section 1.53(b) requires that any application filed thereunder (including a continuation or divisional) contain a

specification (including at least one claim) and any necessary drawing. While § 1.53(b) permits the submission of a rewritten specification (with all prior amendments incorporated), such an option is only practical to those who have the prior application in electronic form. For those applicants who do not have the prior application in electronic form, their only option is to submit a copy of the prior application (including any appendix) along with a copy of all the amendments made in the prior application, as well as copies of all other papers filed in the prior application (e.g., information disclosure statements (IDSs), affidavits, declarations) that are to be considered in the continuing application.

Subsequent to the adoption of the change to § 1.53(d), the Office received a number of comments indicating that it takes a considerable amount of time to prepare the papers required by § 1.53(b), even when copied from a prior application. In view of these concerns, the Office amended § 1.53(d)(1)(i) by an immediately effective interim rule to eliminate its requirement that the prior application of a CPA be filed on or after June 8, 1995, and requested public comment on this interim rule change. *See Changes to Continued Prosecution Application Practice*; Interim Rule Notice, 63 FR 5732 (February 4, 1998), 1207 *Off. Gaz. Pat. Office* 83 (February 24, 1998).

The Office has received a number of comments by telephone expressing support for the change to § 1.53(d)(1)(i), as well as its immediate adoption and applicability to CPAs filed on or after December 1, 1997 (*i.e.*, all CPAs). The Office, however, has received no written comments on the change to § 1.53(d)(1)(i). Accordingly, the change to § 1.53(d)(1)(i) in the interim rule—removal of the requirement that the prior application of a continued prosecution application (CPA) under § 1.53(d) must have been filed on or after June 8, 1995—is adopted as a final rule.

As discussed in the Interim Rule Notice, no patent issuing from a CPA under § 1.53(d) is entitled to the provisions of 35 U.S.C. 154(c). To avoid confusion as to the term of any patent issuing on a CPA, other than an application for a reissue or design patent, of an application filed before June 8, 1995, the Office will include the following notice on any patent, other than a reissue or design, issuing on a CPA:

This patent issued on a continued prosecution application filed under 37 CFR 1.53(d), and is subject to the twenty-year patent term provisions of 35 U.S.C. 154(a)(2).

The term of a design patent is fourteen years beginning on the date of grant as provided in 35 U.S.C. 173. The term of a reissue patent is the unexpired part of the term of the original patent as provided in 35 U.S.C. 251. Since the term of a reissue or design patent is not affected by the filing of a CPA, the above-mentioned notice will not be printed on any reissue or design patent.

Other Considerations

This final rule is in conformity with the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), Executive Order 12612 (October 26, 1987), and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). It has been determined that this rulemaking is not significant for the purposes of Executive Order 12866 (September 30, 1993).

This final rule involves a collection of information subject to the Paperwork Reduction Act. This final rule involves the deletion of the requirement which stated that the prior application of a continued prosecution application must have been filed on or after June 8, 1995. This collection of information has been previously approved by the Office of Management and Budget (OMB) under OMB Control Number 0651-0032. The public reporting burden for this collection of information is estimated to average 7.88 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the information. Send comments regarding this burden estimate or any other aspect of the data requirement, including suggestions for reducing the burden to Hiram H. Bernstein or Robert W. Bahr at the address specified above and to the Office of Information and Regulatory Affairs, OMB, 725 17th Street, N.W., Washington, D.C., 20503 (Attn: PTO Desk Officer).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

The principal impact of this final rule is to relieve a restriction in § 1.53(d)(1)(i) to permit applicants to file a CPA in the situation in which the prior application was filed before June 8, 1995.

The Office has determined that this final rule has no Federalism implications affecting the relationship between the National Government and

the States as outlined in Executive Order 12612 (October 26, 1987).

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

For the reasons set forth in the preamble, the interim rule amending 37 CFR Part 1 which was published at 63 FR 5732-5734 on February 4, 1998, is adopted as a final rule without change.

Dated: June 25, 1998.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 98-17632 Filed 7-1-98; 8:45 am]

BILLING CODE 3510-16-U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 303

RIN 0970-AB67

Child Support Enforcement Program; Quarterly Wage and Unemployment Compensations Claims Reporting to the National Directory of New Hires

AGENCY: Office of Child Support Enforcement (OCSE), HHS.

ACTION: Final rule.

SUMMARY: This final rule implements section 453A(g)(2)(B) of the Social Security Act (the Act), as added by section 313(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and amended by section 5533 of Public Law 105-33, section 303(h) of the Act, in part, as amended by section 316(g) of PRWORA, and section 3304(a)(16) of the Internal Revenue Code of 1986, as amended by section 316(g) of PRWORA. These provisions require certain State entities to furnish quarterly wage and unemployment compensation data to the National Directory of New Hires or to the Secretary of Health and Human Services. A Notice of Proposed Rulemaking was published in the **Federal Register** on October 7, 1997 (62 FR 52306).

EFFECTIVE DATE: The final rule is effective August 3, 1998.

FOR FURTHER INFORMATION CONTACT: Anne Benson, Policy Branch, OCSE (202) 401-1467, e-mail: abenson@acf.dhhs.gov. Deaf and hearing-impaired individuals may call

the federal Dual Party Relay Service at 1-800-877-8339 between 8:00 a.m. and 7:00 p.m. Eastern time.

SUPPLEMENTARY INFORMATION:

Statutory Authority

This regulation is published under the authority of section 453A(g)(2)(B) of the Social Security Act (the Act), 42 U.S.C. 653A(g)(2)(B), as added by section 313(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Pub. L. 104-193 and amended by section 5533 of Public Law 105-33; section 303(h) of the Act, in part, 42 U.S.C. 503(h), as amended by section 316(g) of PRWORA; and section 3304(a)(16) of the Internal Revenue Code of 1986, 26 U.S.C. 3304(a)(16), as amended by section 316(g) of PRWORA.

This regulation is also issued under the authority granted to the Secretary of Health and Human Services (Secretary) by section 1102 of the Act, 42 U.S.C. 1302. Section 1102 of the Act authorizes the Secretary to publish regulations that may be necessary for the efficient administration of the functions for which she is responsible under the Act.

Section 453A(g)(2)(B) of the Act requires the State Directory of New Hires to furnish, on a quarterly basis, data concerning the wages and unemployment compensation paid to individuals to the National Directory of New Hires. Pursuant to section 453A(g)(2)(B) of the Act, the Secretary of the Department of Health and Human Services is required to publish regulations to identify the dates, format, and data elements necessary for the State Directory of New Hires to furnish the quarterly wage and unemployment compensation data to the National Directory of New Hires.

Section 3304(a)(16) of the Internal Revenue Code of 1986 contains requirements that must be included in State Unemployment Compensation laws for employers in the State to receive Federal Unemployment Tax credits. Section 316(g) of Public Law 104-193 amended section 3304(a)(16) of the Internal Revenue Code of 1986 to provide that the wage and unemployment compensation information contained in the records of the State agency administering that program shall be furnished to the Secretary of Health and Human Services, in accordance with regulations promulgated by the Secretary, as may be necessary for the purposes of the National Directory of New Hires under section 453(i)(1) of the Act. The Secretary will maintain the quarterly wage and unemployment compensation data reported pursuant to section 3304(a)(16) in the National Directory of

New Hires (NDNH), which is established pursuant to section 453 of the Act.

Section 303(h)(1)(A) of the Act, as amended by section 316(g) of Public Law 104-193, requires the State agency charged with the administration of the unemployment compensation program, on a reimbursable basis, to disclose quarterly, to the Secretary of Health and Human Services, wage and claim information, as required pursuant to section 453(i)(1) of the Act, that is contained in the records of such agency. As is the case with information reported pursuant to section 3304(a)(16) of the Internal Revenue Code of 1986, the Secretary will maintain any quarterly wage and unemployment compensation data reported pursuant to section 303(h) of the Act in the NDNH. Section 303(h)(3)(A) of the Act defines 'wage information' as "information regarding wages paid to an individual, the social security account number of such individual, and the name, address, State, and the Federal employer identification number of the employer paying such wages to such individual." Section 303(h)(3)(B) defines 'claim information' as "information regarding whether an individual is receiving, has received, or has made application for, unemployment compensation, the amount of any such compensation being received (or to be received by such individual), and the individual's current (or most recent) home address." Title III of the Act, Grants to States for Unemployment Compensation Administration, is directly administered by the Department of Labor. We are referencing section 303(h)(1)(A) of the Act because this provision references information required pursuant to section 453(i)(1) of the Act. Section 453(i)(1) is administered by the Department of Health and Human Services, and the information that is required pursuant to that section (which in turn references information supplied pursuant to section 453A(g)(2)) is established in this rule. The Secretary also adopted the definitions included in section 303(h) in the rule in order to enable the implementation of the provisions in an integrated and complementary manner.

Background

The Federal Parent Locator Service (FPLS) is a computerized network established pursuant to section 453 of the Act, 42 U.S.C. 653, through which States may request information from Federal and State agencies to find noncustodial parents and/or their employers for purposes of establishing paternity and securing support. The

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires the Secretary to develop an expanded FPLS to improve States' ability to locate child support obligors and to establish and enforce child support orders, as well as for other specified purposes in Title IV-D of the Act. The Office of Child Support Enforcement (OCSE), within the Administration for Children and Families (ACF), is charged with the task of developing, implementing, and maintaining the expanded FPLS. The expanded FPLS is housed in the Social Security Administration's National Computer Center, because locating the expanded FPLS there provides the most efficient and cost-effective mechanism for developing the expanded FPLS, as well as ensuring state-of-the-art standards for system security and confidentiality of the data.

The expanded FPLS includes the National Directory of New Hires and a Federal Case Registry (operational no later than October 1, 1998), and maintains the capability to seek information from existing FPLS data sources, including, but not limited to, the Internal Revenue Service, Social Security Administration, Department of Defense, and Department of Veterans Affairs. The expanded FPLS will perform regular cross matches between the National Directory of New Hires and the Federal Case Registry. With these new FPLS resources, the interstate matching of child support obligors and employment, earnings, and benefits data will flow more efficiently and quickly between States.

The NDNH will contain three types of information. First, the NDNH maintains employment data on newly-hired employees (new hire reporting) submitted by State Directories of New Hires pursuant to section 453A(g)(2)(A) of the Act, and by federal agencies pursuant to section 453A(b)(1)(C) of the Act. Second, the NDNH will maintain quarterly wage information on individual employees received pursuant to sections 453A(g)(2)(B) and 303(h) of the Act, and section 3304(a)(16) of the Internal Revenue Code of 1986, as well as quarterly wage information on federal employees received pursuant to 453(n) of the Act. Third, the NDNH will maintain unemployment compensation claims data received pursuant to sections 453A(g)(2)(B) and 303(h) of the Act, and section 3304(a)(16) of the Internal Revenue Code of 1986. States will be required to transmit new hire, quarterly wage and unemployment compensation claims data electronically to the NDNH.

The purpose of the NDNH is to develop a repository of information on newly-hired employees, and on the earnings and unemployment compensation claims data of employees. The purpose of including quarterly wage and unemployment compensation claims data in the NDNH is to provide States with the ability to quickly locate information on the address of, employment of, and unemployment compensation being paid to, parents with child support obligations who are residing or working in other States. States seek to locate these parents and their employers to either establish or enforce a child support order. Quarterly wage and unemployment compensation claims data will provide information on continuously employed and unemployed individuals who would not be located solely by new hire reporting.

Most States have been matching their quarterly wage and unemployment compensation claims data against their respective State child support caseloads since the 1980's. In addition, since 1990 the Federal Parent Locator Service has conducted cross-matches between State child support locate requests and State Employment Security Agencies, although such matches are currently limited to 250,000 cases per State per bi-weekly cross-match. The information generated from cross-matches between quarterly wage, claims and child support data, both at the State level and in the more limited FPLS context, has proven extremely beneficial for the location of child support obligors and their wages. The inclusion of quarterly wage and unemployment compensation claims data in the NDNH will allow for a substantially higher volume of interstate cross-matching than is currently possible.

The Federal Case Registry will be a national registry of individuals involved in child support cases, constructed from abstracts of child support case and order information that State Case Registries will transmit to the Federal Case Registry. The expanded FPLS, through a matching process between NDNH and the Federal Case Registry, will be able to automatically provide States with information on address, employment, and unemployment compensation claims data on parents owing child support. The expanded FPLS will also alert States to other States that have registered the same individual.

In an effort to be responsive to the President's Memorandum of March 4, 1995 to heads of Departments and Agencies which announced a government-wide Regulatory Reinvention Initiative to reduce or eliminate burdens on States, other

governmental agencies or the private sector, OCSE formed an FPLS workgroup which held three meetings between September, 1996 and March, 1997. The purpose of the FPLS workgroup is to provide consultation regarding the design, development, and regulatory requirements for the expanded FPLS. This group is comprised of representatives from State Child Support Agencies, State Employment Security Agencies, the Federal Office of Child Support Enforcement, the U.S. Department of Labor, the Social Security Administration, the Interstate Conference of State Employment Security Agencies, employer groups, payroll associations, and other interested individuals. The workgroup members provided information regarding quarterly wage and unemployment compensation claims reporting which was considered in developing these regulations.

Description of Regulatory Provisions

This rule implements the three new statutory wage and unemployment compensation claims reporting requirements by adding a new section, 45 CFR 303.108, "Quarterly Wage and Unemployment Compensation Claims Reporting to the National Directory of New Hires," to existing rules governing the child support enforcement program under Title IV-D of the Act. Although there are three separate reporting provisions, the information required to be reported is substantially the same for all three. Therefore, OCSE addresses the Secretary's responsibilities under all three provisions by a single regulation which permits the quarterly wage and unemployment compensation data required to be furnished under the three provisions to be supplied in a single, quarterly submission. Further, OCSE will consider the reporting requirements to have been satisfied if any one of the required reporting entities submits the information in accordance with the provisions of the regulation. OCSE intends to leave the decision as to which entity will report up to the individual States. Accordingly, the regulation refers to the "State" as the entity that must transmit data to the NDNH. However, if data is not reported as required under the proposed regulation, OCSE will hold the State Title IV-D agency accountable for the failure of the State Directory of New Hires to report as required under section 453A(g)(2)(B). Section 454(28) of the Act, as added by section 313(a) of PRWORA, added a new State plan requirement for Title IV-D agencies to operate a State Directory of New Hires

in accordance with section 453A of the Act. The failure to report as required pursuant to section 303(h) of the Act or section 3304(a)(16) of the Internal Revenue Code of 1986 may also result in actions being taken by the Secretary of Labor.

45 CFR 303.108(a) contains definitions designed to clarify quarterly wage and unemployment compensation claims reporting. Paragraph (a)(1) defines "Reporting period" as the time elapsed during a calendar quarter, e.g. January–March, April–June, July–September, October–December. "Wage information" is defined in paragraph (a)(2) as: (1) The name of the employee; (2) the employee's social security number; (3) aggregate wages of the employee during the reporting period; and (4) the name and address (and optionally, any second address for wage withholding purposes) and Federal employer identification number of the employer reporting wages. In the event that an individual is working more than one job, the State must transmit separate quarterly records containing the "wage information" for each job an individual has held. The information being included as wage information is the minimal amount of data needed to meet the purposes of the NDNH. OCSE is requesting data on the names of employees in order to meet the requirements of section 453(j)(1) of the Act, 42 U.S.C. 653(j)(1). Section 453(j)(1) requires the Secretary of Health and Human Services to transmit the information in the NDNH to the Social Security Administration to verify the accuracy of the name, social security number, and birth date of each individual. "Unemployment compensation or claim information" is defined in paragraph (a)(3) as: (1) Whether an individual is receiving, has received or has applied for unemployment compensation; (2) the individual's name and current (or most recent) home address; (3) the individual's social security number; and (4) the aggregate gross amount of compensation the claimant received during the reporting quarter.

Paragraph (b) of 45 CFR 303.108 contains the requirements for quarterly wage and unemployment compensation claims reporting. Under paragraph (b), the State is required to disclose quarterly, to the National Directory of New Hires, wage and claim information, as defined in paragraph (a), that is collected pursuant to a State's unemployment compensation program referenced in Title III of the Act or pursuant to section 1137 of the Act. OCSE does not require the collection or reporting of any additional wage

information for purposes of the NDNH beyond that which is currently being collected. Wage and unemployment claim information is currently reported to agencies administering unemployment compensation laws under title III of the Act or to other agencies pursuant to section 1137(a) of the Act as part of the income and eligibility verification program, so paragraph (b) does not impose an additional information requirement. OCSE is also aware that some States' compensation records either do not include employee names or record only a partial set of the letters in the employee's name. Similarly, OCSE is aware that State unemployment compensation laws do not require all employers to report information. In the regulation, the State is only required to supply wage information which is already contained in the records of the State. Therefore, in the case of employee names or wages, a State is required to send us as much information on employee names or wages as exists in the unemployment compensation records, or in the records maintained for purposes of section 1137 of the Act if the information is maintained by another agency. The reference to section 1137 has been included to cover those situations where States have alternate data collection systems to make it clear that the data in such alternate systems is covered by the regulation.

Similarly, the State is only required to supply claim information which is already contained in the records of the State agency administering the unemployment compensation program or the records maintained for purposes of section 1137 of the Act. There is no requirement imposed to collect additional claim information for purposes of the NDNH. In addition, the State is only required to furnish the NDNH with claim information that is processed electronically. OCSE believes that it is neither feasible nor cost effective to require that States transmit claims data for those relatively few benefit programs which are processed manually. State Employment Security Agencies and the Department of Labor have indicated that manually processed claims comprise a very small portion of total claims. We understand that the unemployment compensation programs being administered by States cover any compensation payable under State unemployment compensation law (including amounts payable in accordance with agreements under any Federal unemployment compensation law) and extended benefits, unemployment compensation for

Federal employees, unemployment compensation for ex-servicemen, trade readjustment allowances, and disaster unemployment assistance.

45 CFR 303.108(c) sets the time frames for quarterly wage and claims reporting. The State is required to report wage information for the reporting period no later than the end of the fourth month following the reporting period. States will be required to begin reporting on the first reporting date occurring after the final rule becomes effective. However, the NDNH will accept earlier reports, beginning with those for the July–September 1997 reporting period and States are encouraged to begin submitting reports as early as possible. Currently, State laws generally allow employers one month following the reporting period to report quarterly wages to the State agency administering the unemployment compensation program. We believe that the time frame for States to report wage information to the Secretary for the purposes of the NDNH will ensure that States have adequate time to enter, edit, and transmit wage information to the Secretary. Given the necessity and importance of maintaining accurate wage data in the NDNH, the schedule for reporting allows States ample time to work with employers to correct inaccurate wage reports and to submit complete and comprehensive wage information on employees within a State.

The State is required to report claim information for the reporting period no later than the end of the first month following the end of the reporting period. The State is required to begin the reporting of claim information on the first reporting date occurring after the final rule becomes effective. However, the NDNH will accept earlier reports, beginning with those for the October–December 1997 reporting period and States are encouraged to begin submitting reports as early as possible. We believe that a shorter time frame for submitting claim information, as opposed to wage information, is appropriate because the State agency charged with administering the unemployment compensation program maintains this data on an ongoing basis. Also, as noted above, the collection of wage information lags behind the collection of claim information because of the time required to ensure that wage information submitted is accurate.

In order to ensure the effective implementation of the NDNH, the Secretary planned a staggered schedule for initial data submissions to the NDNH. The reporting of new hire data began on October 1, 1997, to be

followed by initial quarterly wage and claims information submissions on January 31, 1998 or the first reporting date after the final rule becomes effective. For this reason, the Secretary will allow that the earliest claims information be submitted for the period beginning October–December, 1997, rather than July–September, 1997.

45 CFR 303.108(d) provides that the Secretary will establish standardized formats for reporting quarterly wage and claim information and that the States will be required to adhere to such formats for reporting purposes. The formats identify the data elements, descriptions and tape specifications for reporting quarterly wage and claim information. These formats were published in the **Federal Register** for comment on July 25, 1997 (62 FR 40092).

Response to Comments

In response to the Notice of Proposed Rulemaking published October 7, 1997, in the **Federal Register** (62 FR 52306) we received thirteen comments from six commenters, representing State IV–D agencies, State Employment Security Agencies/State Departments of Labor and one Federal Agency. The comments and our responses are as follows:

1. *Comment:* One commenter stated that, under 45 CFR 303.108(b), there are large programming costs associated with submission of quarterly wage and unemployment insurance claim data because the information, while available in the State Department of Labor's records, is not all in one place or in the required formats for submission to the National Directory of New Hires. The commenter stated that the costs for the extraction, formatting and transmission of the data are not reimbursable from Unemployment Compensation grant money. Their recommendation is that there be reimbursement for all legitimate costs based on actual costs, not an arbitrary figure. Another commenter believes that this is an unfunded mandate because states are required to submit information "electronically." They believe that there is no provision for the costs associated with electronic submission.

Response: Section 453(g) of the Act states that "The Secretary may reimburse Federal and State agencies for the costs incurred by such entities in furnishing information requested by the Secretary under this section in an amount which the Secretary determines to be reasonable payment for the information exchange (which amount shall not include payment for the costs of obtaining, compiling, or maintaining the information)." OCSE is requesting

that States submit an itemized list of projected costs for extraction and transmission of the required data. These will consist of both initial costs for programming and ongoing costs for transmission. OCSE will then be able to respond specifically to requests for reimbursement, and is planning to reimburse States for reasonable direct costs for extraction, formatting and transmission. OCSE has also offered on-site technical assistance to complete the required programming, and has provided skeleton code programs to all the States in order to assist with the programming changes.

2. *Comment:* One commenter stated that the source for estimates of the burden on the States is not clearly presented and that the impact on the States in terms of hours spent is "grossly underestimated." The commenter stated that their start up burden is underestimated and that the annual reporting estimate "will not begin to cover the time necessary." They also said they have spent a great deal of time reviewing materials sent out by OCSE. A second commenter also took issue with the burden time estimates and pointed out that any time spent diverts resources from Year 2000 projects.

Response: The time estimates in the Rule are based on industry practices and on information from the Social Security Administration. Detailed estimates were presented in the Paperwork Reduction Act package approved as of November 26, 1997 (OMB control number 0970–0166.) There are burdens for start-up programming, but OCSE has tried to do everything possible to minimize these burdens; for instance by providing on-site technical assistance if requested and by providing on-going technical support by telephone, as well as skeleton code programs to assist with programming changes. The burden estimates are based on the assumption that once the program is in place, extraction and transmission of the data can be done on an almost entirely automated basis, requiring little or no human intervention. Materials sent out by OCSE were meant to reduce the burden on the states by answering commonly asked questions, giving further explanations of program requirements, and providing technical information and assistance.

3. *Comment:* The commenter states that there is ambiguity in the first paragraph of the *Description of Regulatory Provisions*. They indicate that the phrase "the three new statutory reporting requirements" might be interpreted to refer to New Hire, Quarterly Wage and Unemployment

Insurance. The commenter then points out that the rule only defines reporting requirements with respect to Quarterly Wage and Unemployment Insurance. The commenter's recommendation is that it be made more clear that this rule does not address New Hire reporting requirements. They also suggest that the Rule ought to indicate where New Hire reporting provisions are located.

Response: The phrase "the three new statutory reporting requirements" refers to the code sections cited in the first paragraph under *Statutory Authority*, all of which relate to Quarterly Wage and Unemployment Insurance reporting. It is understandable that this reference may be confusing, so we have added semi-colons between the three cites in that section. We have also revised the phrase to read "the three new statutory wage and unemployment claims reporting requirements". It is also made clear within the body of the commentary that Quarterly Wage and Unemployment Insurance reporting are the areas covered by the rule. As this rule relates only to Quarterly Wage and Unemployment Insurance, it is not appropriate to give a reference to a third program in the body of the rule.

4. *Comment:* Two commenters stated that, while it is clear from the description section, the rule itself is not sufficiently clear that the State is not required to collect additional information to fulfill the requirements of the rule. One commenter also wished to point out that OCSE does not have the authority to propose collection of additional information by State Employment Security Agencies. The recommendation is that the rule be clarified.

Response: We believe that 303.108(b) makes it clear that the States are to report information "that is collected pursuant to a State's unemployment compensation program." The rule does not call for a State to collect any additional information.

5. *Comment:* One commenter noted the differences in time frames between quarterly wage information and unemployment insurance information (four months after the end of the reporting quarter and one month after the end of the reporting quarter, respectively). The commenter stated that it is their understanding that this time does not imply that the States must undertake any new processing effort. A second commenter believes that four months is too long to allow for submission, and that the data will be stale after that amount of time.

Response: The key considerations in determining the time period for reporting quarterly wages were accuracy

and timeliness. Currently, State laws generally allow employers one month following the reporting period to report quarterly wages to the State agency administering the unemployment compensation program. The time period for reporting quarterly wages was determined so that States would have adequate time to input, extract, format and edit the information. Given the necessity and importance of maintaining accurate wage data in the NDNH, the schedule for reporting ensures that States have time to work with employers to correct inaccurate wage reports and to submit complete and comprehensive wage information on employees within a State. In response to the one comment that the time period is too long, it is important to remember that quarterly wage information exists for individuals who have been employed at the same job for a period of time. New hire reporting will provide States with data on newly-employed individuals within approximately a month or less from the date of hire (exact time depends on State law).

6. Comment: One commenter pointed out that while the State Departments of Labor are responsible for collecting and reporting this data, the child support agency is held accountable if the Department of Labor does not comply. The commenter pointed out that this may be beyond their control.

Response: Both agencies will be held accountable for failure to comply. The child support agency will be held accountable through the State Plan process. Under section 454(28) of the Act, the State Plan must provide for the operation of a State Directory of New Hires (SDNH). Section 453A(g)(2)(b) requires the SDNH to transmit quarterly wage and unemployment insurance information to the NDNH. Thus, the child support statute directly places the responsibility for reporting the necessary information on the SDNH. Failure to report could result in disapproval of the State Plan, and put federal funding of the State program at risk.

Similarly, section 3304(a)(16) of the Internal Revenue Code of 1986 contains requirements that must be included in State Unemployment Compensation laws for employers in the State to receive Federal Unemployment Tax credits. Section 316(g) of Public Law 104-193 amended section 3304(a)(16) of the Internal Revenue Code of 1986 to provide that the wage and unemployment compensation information contained in the records of the State agency administering that program shall be furnished to the

Secretary of Health and Human Services, in accordance with regulations promulgated by the Secretary, as may be necessary for the purposes of the NDNH under section 453(i)(1) of the Act. Thus, the State Employment Security Agency may lose its certification by the Secretary of Labor for failure to submit the required information.

The provision of quarterly wage and unemployment insurance information to the NDNH is anticipated to be a cooperative effort between two agencies; in some States the information will be provided by one agency and submitted by another. Both agencies will be held accountable.

7. Comment: One commenter pointed out that the rule does not address the fundamental issues of confidentiality and security of the data to be provided.

Response: Under section 453A(g)(2)(B) the Secretary of the Department of Health and Human Services is required to identify the dates, format, and data elements necessary for quarterly wage and unemployment compensation data. In coordination with the President's Regulatory Reinvention Initiative, OCSE's intent is only to regulate where required by statute, thus reducing the regulatory burden on states; therefore the rule only covers the required areas. However, OCSE is committed to the confidentiality and security of data under this program, and is required to guarantee its "integrity and security" under section 453(m) of the Act. Our security approach covers policies and procedures, computer and data transmission systems, physical access, and the integrity of the staff who have access to the data or systems.

Only authorized persons, as defined in Federal law, may request access to information in the NDNH. (See sections 453 and 463 of the Act.) In accordance with section 453(b)(2) of the Act, the security plan for the NDNH incorporates specific safeguards to prevent the disclosure of information in cases where domestic violence is indicated and disclosure could be harmful to the parent or child, or where disclosure would contravene national policy or security interests, or to protect the confidentiality of census data.

The NDNH is physically housed at the Social Security Administration's (SSA) National Computer Center (NCC) in Baltimore, MD. SSA takes extensive measures to ensure the physical and electronic security of its data processing facilities. SSA uses state of the art technology to restrict physical and electronic access to information, limiting it to personnel specifically authorized by OCSE and SSA and to

specific functions. New Hire, Quarterly Wage and Unemployment Insurance data are transmitted to the NDNH via several methods, including SSA's leased-line CONNECT:Direct network and transportable electronic media, such as cartridge tapes. While the measures vary according to the transmission method, OCSE and SSA have taken specific steps to ensure the security of data during transmission, including a clear chain of custody and secure locked storage for physical media.

The NCC is regularly reviewed and monitored by outside security auditors who report any concerns, violations or breaches in security to SSA's Security Officer. Staff who have access to sensitive data are assigned security level designations. In addition, all staff associated with the NDNH are required to undergo background checks. Staff sign non-disclosure agreements, and are subject to fines and imprisonment for misuse of data. (See 5 U.S.C. sec 552a(i) and 18 USC sec 1905.)

States are required by law to implement safeguards that are similar to those at SSA and OCSE under section 454A(d) of the Act. These are designed to protect the privacy rights of individuals, and prevent the unauthorized disclosure of information. State agencies and systems are audited, reviewed, or certified by a variety of Federal agencies including the Internal Revenue Service, Department of Labor, DHHS' Office of State Systems, and SSA. SSA and NDNH security plans fully document the approach summarized here.

8. Comment: One commenter stated that the rule fails to address the right to privacy of individuals whose information is to be disclosed, especially privacy of social security numbers.

Response: OCSE recognizes that the right to privacy is of the utmost importance, not only in regards to social security numbers, but for all the information that is to be reported to the expanded Federal Parent Locator Service. For that reason access to the information in the database is very strictly limited (see section 453(m) of the Act.) While it would be optimal if social security numbers did not need to be disclosed, it would not be possible to obtain the necessary accuracy of data without social security numbers. This is especially true because some States do not collect the individual's name at all for quarterly wage, so a social security number is the only identifier for the individual. The number is absolutely essential for the program to function, and every precaution is being taken to

be sure that the information is kept confidential.

9. *Comment:* One commenter stated that the definitions given are inconsistent with existing income eligibility and verification system data element definitions, and that any rules should be issued jointly with the Federal Department of Labor in order to ensure consistency.

Response: The definitions, while worded slightly differently and in slightly different order, are consistent with the definitions under the Income Eligibility Verification System. Any differences have more to do with the required reporting period than any difference in intent. If anything, the definitions given in this rule are more specific. For instance, this rule asks for "aggregate gross amount of compensation the claimant received during the reporting quarter" rather than "the amount of compensation the individual is receiving or entitled to receive." Under 453A(g)(2)(B) of the Act, the Secretary of the Department of Health and Human Services is required to issue the rule.

Paperwork Reduction Act of 1995

Sections 453A(g)(2)(B) and 303(h) of the Act and section 3304(a)(16) of the Internal Revenue Code of 1986 contain information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), this request for approval of a new information collection has been approved by Office of Management and Budget as of November 26, 1997 under OMB control number 0970-0166.

Because all quarterly wage and unemployment compensation claims data will be reported from the State to the NDNH electronically and will be limited to data already being collected, the burden on the States will be minimal. The average burden per response is estimated to be 2 minutes (.03 hours). States may also have a one-time initial start-up burden of two weeks (80 hours) for reprogramming their systems to comply with Federal reporting requirements. The total annual reporting and recordkeeping burden that will result from the collection of information is estimated to be 7.13 hours.

Regulatory Flexibility Analysis

The Secretary certifies, under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that this rule will not result in a significant impact on a substantial number of small entities. The primary impact is on State

governments. State governments are not considered small entities under the Act.

Executive Order 12866

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles. The rule implements the statutory provisions by specifying the wage and unemployment compensation claims information that must be reported to the Secretary of Health and Human Services.

Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that a covered agency prepare a budgetary impact statement before promulgating a rule that includes any Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year.

The Department has determined that this rule would not impose a mandate that will result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of more than \$100 million in any one year.

List of Subjects in 45 CFR Part 303

Child support, Grant programs/social programs, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Programs No. 93.563, Child Support Enforcement Program)

Dated: March 18, 1998.

Olivia A. Golden,

Assistant Secretary for Children and Families.

Approved: April 28, 1998.

Donna E. Shalala,

Secretary, Department of Health Human Services.

For the reasons discussed above, title 45 CFR Chapter III is amended as follows:

PART 303—STANDARDS FOR PROGRAM OPERATIONS

1. The authority citation of Part 303 continues to read as follows:

Authority: 42 U.S.C. 651 through 658, 660, 663, 664, 666, 667, 1302, 1396a(a)(25), 1396(d)(2), 1396b(o), 1396b(p) and 1396(k).

2. A new § 303.108 is added to read as follows:

§ 303.108 Quarterly wage and unemployment compensation claims reporting to the National Directory of New Hires.

(a) What definitions apply to quarterly wage and unemployment compensation claims reporting? When used in this section:

(1) *Reporting period* means time elapsed during a calendar quarter, e.g. January–March, April–June, July–September, October–December.

(2) *Wage information* means:

(i) The name of the employee;

(ii) The social security number of the employee;

(iii) The aggregate wages of the employee during the reporting period; and

(iv) The name, address (and optionally, any second address for wage withholding purposes), and Federal employer identification number of an employer reporting wages.

(3) *Unemployment compensation or claim information* means:

(i) Whether an individual is receiving, has received or has applied for unemployment compensation;

(ii) The individual's name and current (or most recent) home address;

(iii) The individual's social security number; and

(iv) The aggregate gross amount of compensation the claimant received during the reporting quarter.

(b) What data must be transmitted to the National Directory of New Hires?

The State shall disclose quarterly, to the National Directory of New Hires, wage and claim information as defined in paragraph (a) of this section that is collected pursuant to a State's unemployment compensation program referenced in Title III of the Act or pursuant to section 1137 of the Act.

(c) What time frames apply for reporting quarterly wage and unemployment compensation claims data?

The State shall report wage information for the reporting period no later than the end of the fourth month following the reporting period. The State shall report claim information for the reporting period no later than the end of the first month following the reporting period.

(d) What reporting formats will be used for reporting data?

The State must use standardized formats established by the Secretary of Health and Human Services for reporting wage and claim information.

[FR Doc. 98-17652 Filed 7-1-98; 8:45 am]

BILLING CODE 4184-01-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 64**

[CC Docket No. 96-128; DA 98-1198]

Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996**AGENCY:** Federal Communications Commission.**ACTION:** Request for comments pursuant to court decision.

SUMMARY: This document seeks further comment on certain issues raised by the May 15, 1998 decision of the United States Court of Appeals for the District of Columbia Circuit in *MCI Telecommunications Corporation, et al. v. FCC*. The Court of Appeals decision related to the Commission's Second Report and Order on pay telephone reclassification and compensation provisions.

DATES: Comments are due on or before July 13, 1998, and reply comments are due on or before July 27, 1998.

ADDRESSES: Federal Communications Commission, Room 222, 1919 M St., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Greg Lipscomb, Formal Complaints and Information Branch, Enforcement Division, Common Carrier Bureau. (202)418-0960.

SUPPLEMENTARY INFORMATION: In *MCI Telecommunications Corporation, et al. v. FCC* ("MCI v. FCC"),¹ the court held that the Commission failed to explain, in its *Second Order*,² published on October 30, 1997, at 62 FR 58659, why a market-based rate for coinless calls could be derived by subtracting avoided costs from a market rate charged for coin calls.³ In light of the court's decision in *MCI v. FCC*, we seek comment on competition in the payphone market since the deregulation of payphones and the impact of deregulation on the local coin rate. To that end, we seek comment and evidence on whether the local coin rate reflects competitive market conditions and the extent to which costs and rates converge in the coin call market. We also seek comment on the similarities and differences between the market segments for coin and coinless calls and the factors attributable to these

similarities and differences, including the use of payphones to initiate both types of calls. We further seek comment on whether, and how, the distinctions between these market segments should affect the determination of a reasonable default compensation amount for coinless calls. Parties should address any market imperfections that might affect the use of the local coin rate as a market-based surrogate for coinless calls, including locational monopolies, and limitations on the use of pennies in payphones.

The *Second Order* concluded that coin and coinless calls share certain joint and common costs, because each type of call generally uses the same piece of equipment. Therefore, we seek comment on the reasonableness of adjusting the local coin rate for cost differences between providing coin and coinless calls as a market-based mechanism for deriving fair compensation for coinless calls. We ask that parties respond specifically to the concerns raised by the court in establishing the appropriate per-call compensation amount using this approach. We also seek comment on other market-based methodologies that could be used to establish a per-call compensation rate for coinless calls. In suggesting alternative market approaches, parties should address, for example, how a payphone service provider would use the market-based approach to set a price for coinless calls in a deregulated market when providing a number of related types of services using substantially the same payphone equipment.

We will incorporate in this proceeding the comments and reply comments filed in the *Second Order* proceeding and in response to petitions for reconsideration of the *Second Order*. Parties may also file additional information regarding specific payphone costs for providing coinless calls and the differences in costs for providing coin calls.

Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments with the Office of the Secretary, Federal Communications Commission, Room 222, 1919 M St. NW, Washington, DC 20554 on or before July 13, 1998, and reply comments on or before July 27, 1998. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. In addition, parties should file two copies of any such pleadings with the Chief, Enforcement Division, Common Carrier

Bureau, Stop 1600A, Room 6008, 2025 M Street, NW, Washington, DC 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 1231 20th Street, NW, Washington, DC 20036. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC. Federal Communications Commission.

Kathryn C. Brown,

Chief, Common Carrier Bureau.

[FR Doc. 98-17830 Filed 7-1-98; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[MM Docket No. 98-40; RM-9240]

Radio Broadcasting Services; Gurdon, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a petition for rule making filed on behalf of PGR Communications, Inc., licensee of Station KYXK(FM), Channel 224A, Gurdon, Arkansas, this document substitutes Channel 295A for Channel 224A at Gurdon and modifies the license for Station KYXK(FM), as requested. The modification will enable Station KYXK(FM) to improve its Class A facilities to six kilowatts and expand its coverage area. See 63 FR 17799, April 10, 1998. With this action, the proceeding is terminated.

EFFECTIVE DATE: August 10, 1998.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98-40, adopted June 17, 1998, and released June 26, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

¹ *MCI v. FCC*, No. 97-1675, slip op. (D.C. Cir. May 15, 1998).

² Implementation of Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Second Report and Order, CC Docket No. 96-128, 62 FR 58659 (October 30, 1997), 13 FCC Rcd 1778 (1997) ("Second Order").

³ *MCI v. FCC*, slip op. at 5.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 reads as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas is amended by removing Channel 224A and adding Channel 295A at Gurdon.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-17552 Filed 7-1-98; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98-51; RM-9241]

Radio Broadcasting Services; Salmon, ID

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 233A to Salmon, Idaho, as that community's second local FM transmission service, in response to a petition for rule making filed on behalf of Alpine Broadcasting Limited Partnership. See 63 FR 19700, April 21, 1998. Coordinates used for Channel 233A at Salmon, Idaho, are 45-10-30 and 113-53-42. With this action, the proceeding is terminated.

DATES: Effective August 10, 1998. A filing window for Channel 233A at Salmon, Idaho, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a separate Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 233A at Salmon, Idaho, should be addressed to the Audio Services Division, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98-51, adopted June 17, 1998, and released June 26, 1998. The full text of this Commission decision is available for inspection and copying during normal

business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 reads as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Idaho, is amended by adding Channel 233A at Salmon.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-17551 Filed 7-1-98; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-236; RM-9186]

Radio Broadcasting Services; Point Arena, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 296B1 to Point Arena, California, in response to a petition for rule making filed on behalf of Point Broadcasting, one of two applicants for Channel 272B1 at Point Arena, to resolve the mutual exclusivity, and to provide a second local FM service to that community. See 62 FR 65782, December 16, 1997. Petitioner is permitted to amend its pending application for Channel 272B1 at Point Arena (File No. BPH-940223MC) to specify operation on Channel 296B1 while retaining its cut-off protection. Coordinates used for Channel 296B1 at Point Arena are 38-54-42 North Latitude and 123-41-24 West Longitude. With this action, the proceeding is terminated.

EFFECTIVE DATE: August 10, 1998.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97-236, adopted June 17, 1998, and released June 26, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 reads as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 296B1 at Point Arena.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-17550 Filed 7-1-98; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98-31, RM-9227]

Radio Broadcasting Services; Johnstown and Altamont, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reallocates Channel 285A from Johnstown to Altamont, New York, and modifies the Station WSRD license to specify operation on Channel 285A at Altamont, New York. See 63 FR 13158, March 18, 1998. The reference coordinates for Channel 285A at Altamont, New York, are 42-38-07 and 74-04-30. With this action, the proceeding is terminated.

EFFECTIVE DATE: August 14, 1998.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau (202) 418-2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order* adopted June 24, 1998, and released June 29, 1998. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3805, 1231 M Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New York, is amended by removing Channel 285A at Johnstown, and adding Channel 285A at Altamont.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-17549 Filed 7-1-98; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208298-8055-02; I.D. 062498A]

Fisheries of the Exclusive Economic Zone Off Alaska; Trawl Rockfish Fisheries in the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Modification of a closure.

SUMMARY: NMFS is terminating the closure to directed fishing for rockfish with trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the directed fishery for rockfish with trawl gear to occur consistent with the specified halibut mortality allowance. **DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), July 1, 1998.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1998 prohibited species bycatch mortality allowance of halibut for the BSAI trawl rockfish fishery category, which is defined at § 679.21(e)(3)(iv)(D), was established as 69 mt by the Final 1998 Harvest Specifications of Groundfish for the BSAI (63 FR 12689,

March 16, 1998). The halibut bycatch allowance to the rockfish fishery was apportioned in a manner that prevented a directed rockfish fishery from opening until July 1, 1998. Therefore, in accordance with § 679.21(e)(7)(iv), which has been renumbered as § 679.21(e)(7)(v), the directed fishery for rockfish with trawl gear in the BSAI was closed at the beginning of the fishing year (63 FR 12698, March 16, 1998). NMFS now is terminating the previous closure and is opening directed fishing for rockfish by vessels using trawl gear in the BSAI, effective 1200 hrs, A.l.t., July 1, 1998. All other closures remain in full force and effect.

The public is reminded that the Regional Administrator has determined that the total allowable catch amounts remaining for Pacific ocean perch, "other rockfish", and "other red rockfish" in the Bering Sea subarea (BS); and sharpchin/northern rockfish, shortraker/roughey rockfish, and "other rockfish" in the Aleutian Islands subarea (AI) are necessary as incidental catch to support other anticipated groundfish fisheries for the 1998 fishing year. In accordance with § 679.20(d)(1)(iii) NMFS prohibited directed fishing for these species effective through 2400 hrs, A.l.t., December 31, 1998. (63 FR 12698, March 16, 1998)

Classification

Because this action relieves a restriction, the 30-day delayed effectiveness provision of the Administrative Procedure Act does not apply.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 26, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98-17668 Filed 6-29-98; 3:18 am]

BILLING CODE 3510-22-F

Proposed Rules

Federal Register

Vol. 63, No. 127

Thursday, July 2, 1998

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 958

[Docket No. FV97-958-2 PR]

Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon, and Imported Onions; Proposed Increase in Grade Requirement for White Onions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would increase the minimum grade requirement for white onion varieties handled under the Idaho-Eastern Oregon onion marketing order from U.S. No. 2 or U.S. Commercial to U.S. No. 1. The marketing order regulates the handling of onions produced in certain designated counties in Idaho, and Malheur County, Oregon, and is administered locally by the Idaho-Eastern Oregon Onion Committee (Committee). This rule would improve the marketing of white onions and increase returns to producers, as well as provide consumers with higher quality onions. As provided under section 8e of the Agricultural Marketing Agreement Act of 1937, the proposed increase in the minimum grade requirement would also apply to all imported varieties of white onions.

DATES: Comments must be received by August 31, 1998.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; Fax: (202) 205-6632. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the

Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204-2807; telephone: (503) 326-2724, Fax: (503) 326-7440; and George J. Kelhart, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone (202) 720-2491, Fax: (202) 205-6632. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone (202) 720-2491, Fax: (202) 205-6632.

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Agreement No. 130 and Marketing Order No. 958, both as amended (7 CFR part 958), regulating the handling of onions grown in certain designated counties in Idaho, and Malheur County, Oregon, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

This proposed rule is also issued under section 8e of the Act, which provides that whenever certain specified commodities, including onions, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities.

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This proposal would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before

parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after date of the entry of the ruling.

There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act. This proposal invites comments on an increase in the minimum grade requirement for white onion varieties grown in the defined production area and handled under order authority. This proposed rule, unanimously recommended by the Committee at its June 19, 1997, meeting, would require that all white onion varieties handled be U.S. No. 1 grade. The current regulations allow the handling of white onions of U.S. No. 2, U.S. Commercial, and U.S. No. 1 grades. As provided under section 8e of the Agricultural Marketing Agreement Act of 1937, the proposed increase in the minimum grade requirements would also apply to all imported varieties of white onions.

Sections 958.51 and 958.52 of the order provide authority for the establishment and modification of regulations applicable to the handling of particular grades of onions. Section 958.328(a)(1) establishes the grade requirements for white onions handled subject to the Idaho-Eastern Oregon onion marketing order. Such grade requirements are based on the U.S. Standards for Grades of Onions (Other than Bermuda-Granex-Grano and Creole Types) (7 CFR part 51.2830 *et seq.*), or the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR part 51.3195 *et seq.*). Currently, these handling regulations require that white onion varieties shall be (1) U.S.

No. 2 or U.S. Commercial, 1 inch minimum to 2 inches maximum diameter; or (2) U.S. No. 2 or U.S. Commercial, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, and at least 1½ inches minimum diameter; or (3) U.S. No. 1, at least 1½ inches minimum diameter. The regulations further specify that none of these three categories may be commingled in the same bag or other container.

This proposed rule would require that all bags or other containers of white onion varieties shipped subject to order requirements be either: (1) U.S. No. 1, 1 inch minimum to 2 inches maximum diameter; or (2) U.S. No. 1, at least 1½ inches minimum diameter. Commingling of these two categories would not be allowed. Current exemptions under the order for special purpose shipments in section 958.328(e), and shipments qualifying for a minimum quantity exemption in section 958.328(g), would continue to apply when applicable.

The Committee justification for its recommendation indicated that shipments of U.S. No. 2 and U.S. Commercial grade white onions have had a negative impact on producer returns and have been a factor in decreasing this industry's share of the fresh domestic white onion market. In addition, the Committee stated that consumers of white onions traditionally demand a quality product and that U.S. No. 2 and U.S. Commercial grade white onions have poor consumer acceptance.

The Committee stated that producers seldom profit from U.S. No. 2 or U.S. Commercial grade white onion sales, and as a consequence, common business practice for many is to discard such onions as culls following harvest. Based upon comments made by handlers and receivers of white onions, the Committee reported that shipments of low quality U.S. No. 2 and U.S. Commercial grade white onions have a depressing influence on the price of the higher quality U.S. No. 1 grade white onions. The Free-on-Board (FOB) price for U.S. No. 2 white onions usually runs about one-half the FOB price on U.S. No. 1 white onions reflecting the weak demand for U.S. No. 2 white onions in fresh markets. Moreover, over the last several years there has been increased competition from white onions grown in Nevada, Washington, Colorado, and Utah. The quality produced and marketed from those States is excellent. Thus, a higher grade for white onions grown in Idaho-Eastern Oregon should help this industry compete more effectively and increase demand through stronger confidence in the

quality of Idaho-Eastern Oregon white onions.

Between the 1986/87 and the 1996/97 marketing seasons, an annual average of 336,000 hundredweight of white onions, representing 3.9 percent of the total of all onion varieties, has been shipped from the Idaho-Eastern Oregon production area. The annual average of all Idaho-Eastern Oregon onion shipments for this period, including white, yellow, and red onion varieties, is 9,517,500 hundredweight. During the same period of time, shipments of Idaho-Eastern Oregon U.S. No. 2 white onions averaged 3,807 hundredweight per year, or approximately an annual average of 1.2 percent of white Idaho-Eastern Oregon onion shipments and an annual average of .04 percent of all Idaho-Eastern Oregon onion shipments. The majority, or nearly 99 percent, of the white onions shipped from this production area are U.S. No. 1 grade. Onions from the Idaho-Eastern Oregon production area are shipped throughout most of the year. Most Idaho-Eastern Oregon white onions are marketed during the months of September, October, and November, with significant additional volume through February. Preliminary information pertaining to the 1998/99 shipping season indicates that the FOB price for onions this season could average \$13.10 per hundredweight.

As mentioned earlier, section 8e of the Act requires that when certain domestically produced commodities, including onions, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements. Section 8e also provides that whenever two or more marketing orders regulating the same commodity produced in different areas of the United States are concurrently in effect, a determination must be made as to which of the areas produces the commodity in most direct competition with the imported commodity. Imports must then meet the requirements established for that particular area.

Grade, size, quality, and maturity regulations have been issued regularly under both Marketing Order No. 958 and Marketing Order No. 959, which regulates the handling of onions grown in South Texas, since the marketing orders were established. The current import regulation specifies that import requirements for onions are to be based on the seasonal categories of onions grown in both marketing order areas. The import regulation specifies that imported onions must meet the requirements of the Idaho-Eastern Oregon onion marketing order during

the period June 5 through March 9 and the South Texas onion marketing order during the period March 10 through June 4 each season. This proposal would change the import requirements for the period June 5 through March 9 of each marketing year to provide that all imported white onion varieties must be U.S. No. 1 grade. While no changes are required in the language of section 980.117, all white onion varieties imported during this period would be required to meet the modified grade requirement.

White onions are imported into the United States throughout the year from a number of different countries. By far the largest source of all imported onions is Mexico. Mexican white onions enter the United States from November through July, with the heaviest volumes moving during the months of December through April. The annual average volume of all Mexican onions imported into the United States between 1986 and 1996 was 3,333,150 hundredweight, while the annual average volume for all imported onions from all sources during the same period was 4,040,004 hundredweight.

Other sources of imported onions are Canada, Chile, New Zealand, France, Guatemala, Belgium, Morocco, and the Netherlands. In 1996 and 1997, imports from Canada totaled 654,728 hundredweight and 498,950 hundredweight, imports from Chile totaled 139,927 hundredweight and 85,914 hundredweight, and those from New Zealand totaled 13,007 hundredweight and 20,172 hundredweight. During those two years, onion imports from France totaled 82,034 hundredweight and 102,956 hundredweight, imports from Guatemala were 32,540 hundredweight and 32,474 hundredweight, imports from Belgium totaled 1,565 hundredweight and 2,386 hundredweight, Moroccan imports totaled 287 hundredweight and 948 hundredweight, and imports from the Netherlands during 1996 and 1997 totaled 26,852 and 26,544 hundredweight, respectively.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact this action would have on small entities. Accordingly, the AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are

unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

Import regulations issued under the Act are based on those established under Federal marketing orders which regulate the handling of domestically produced products.

There are approximately 35 handlers of Idaho-Eastern Oregon onions who are subject to regulation under the order and approximately 260 onion producers, including approximately 80 producers of white onions, in the regulated area. In addition, approximately 150 importers of onions are subject to import regulations and could be affected by this proposed rule. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$5,000,000, and small agricultural producers are defined as those having annual receipts of less than \$500,000. Approximately 90 percent of the handlers and 70 percent of the producers of Idaho-Eastern Oregon white onions may be classified as small entities. Although it is not known how many importers of white onions may be classified as small entities, it can be assumed that a number of the 150 importers could be classified as such.

This proposal invites comments on an increase in the minimum grade requirement for white onion varieties grown in the defined production area and handled under order authority. This proposed rule, unanimously recommended by the Committee at its June 19, 1997, meeting, would require that all white onion varieties handled be U.S. No. 1 grade. The current regulations allow the handling of U.S. No. 2 grade and U.S. Commercial grade white onions as well. As provided under section 8e of the Agricultural Marketing Agreement Act of 1937, the proposed increase in the minimum grade requirement would also apply to all imported varieties of white onions.

At the meeting the Committee discussed the impact of this proposal on handlers and producers in terms of cost. The Committee stated that producers seldom profit from U.S. No. 2 or U.S. Commercial grade white onion sales, and as a consequence, common business practice for many is to discard such onions as culls following harvest.

Based upon comments made by handlers and receivers of white onions, the Committee reported that shipments of low quality U.S. No. 2 and U.S. Commercial grade white onions have a depressing influence on the price of the

higher quality U.S. No. 1 grade white onions. The Free-on-Board (FOB) price for U.S. No. 2 white onions usually runs about one-half the FOB price on U.S. No. 1 white onions reflecting the weak demand for U.S. No. 2 white onions in fresh markets. Moreover, over the last several years there has been increased competition from white onions grown in Nevada, Washington, Colorado, and Utah. The quality produced and marketed from those States is excellent. Thus, a higher grade for white onions grown in Idaho-Eastern Oregon should help this industry compete more effectively and increase demand through stronger confidence in the quality of Idaho-Eastern Oregon white onions. Preliminary information pertaining to the 1998-99 shipping season indicates that the FOB price for onions this season could average \$13.10 per hundredweight.

While this proposed rule may impose some additional costs on handlers and producers, the costs are expected to be minimal, and would be offset by the benefits of the proposal. This proposal is expected to similarly impact importers of white onions. The Committee believes that this proposed modification would benefit consumers, producers, and handlers. The benefits of this rule are not expected to be disproportionately greater or lesser for small entities than for large entities.

As alternatives to the proposal, the Committee discussed leaving the regulations as currently issued and using voluntary methods to solve the problem. Both alternatives were rejected. The prevailing opinion was that market confidence and producer income would continue to erode without the implementation of this proposal. The majority of Committee members stated that voluntary measures had not been effective in the past.

Section 8e of the Act requires that when certain domestically produced commodities, including onions, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements. Section 8e also provides that whenever two or more marketing orders regulating the same commodity produced in different areas of the United States are concurrently in effect, the Secretary shall determine which of the areas produces the commodity in more direct competition with the imported commodity. Imports must then meet the requirements established for the particular area.

Grade, size, quality, and maturity regulations have been issued regularly under both Marketing Order No. 958

and Marketing Order No. 959, which regulates the handling of onions grown in South Texas, since the orders were established. The current import regulation specifies that import requirements for onions are to be based on the seasonal categories of onions grown in both marketing order areas. The import regulations specify that imported onions must meet the requirements of the Idaho-Eastern Oregon onion order during the period June 5 through March 9 each season and the South Texas onion order during the period March 10 through June 4 each season. This proposal would change the import requirements for the period June 5 through March 9 of each marketing year to provide that all imported white onion varieties must be U.S. No. 1 grade.

This action would not impose any additional reporting or recordkeeping requirements on either small or large handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. The Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

In addition, the Committee's meeting was widely publicized throughout the Idaho-Eastern Oregon onion industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the June 19, 1997, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

An advance notice of proposed rulemaking with request for public comment was published in the **Federal Register** (63 FR 5472) on February 3, 1998. A 60-day comment period was provided to allow interested persons the opportunity to comment on the volume and grade of imported white onions, as well as other aspects of the potential grade increase, including its probable regulatory and economic impact on small business entities. Copies of the notice were faxed and mailed to the Committee office, which in turn notified Committee and Idaho-Eastern Oregon onion industry members of the recommendation. The Department also provided copies of the notice to the administrative offices of the Walla Walla Sweet Onion Committee, the South Texas Onion Committee, and the Vidalia Onion Committee, as well as to

the World Trade Organization. In addition, the Committee's meetings were widely publicized throughout the Idaho-Eastern Oregon onion industry and all interested persons were invited to attend and participate on all issues. A copy of the notice was also made available on the Internet by the U.S. Government Printing Office.

Five comments were received. Four of the comments are supportive of the Committee's recommendation. The Idaho-Eastern Oregon Onion Committee reaffirmed its unanimous recommendation in favor of increasing the minimum grade for white onions from U.S. No. 2 or U.S. Commercial to U.S. No. 1. The South Texas Onion Committee, administering Marketing Order No. 959, expressed its support of the recommended modification as well. The South Texas Onion Committee commented that by the time the South Texas industry enters the market in March of each year, the market is flooded with inferior quality white onions from both Mexico and Idaho-Eastern Oregon, and that the onion industries and consumers would benefit from the minimum grade increase. The minimum grade requirement for white onion varieties handled under the South Texas marketing order is a modified U.S. No. 1 grade. The proposed rule would increase the minimum grade requirement for Idaho-Eastern Oregon onions, with the two minimum grade requirements becoming more similar.

Also commenting in favor of the Committee's recommendation were a South Texas onion handler and an association representing Texas onion handlers as well as importers of Mexican onions. Both commentators are located in Mission, Texas. The handler commented that the recommended modification would allow the South Texas industry the necessary confidence to continue to produce onions for a market free from the negative consumer reaction associated with poor quality white onions. The association also added its support of the recommended minimum grade increase. The association stated that it has within its membership approximately 21 South Texas handlers of onions, most of whom also import onions from Mexico. The commenter added that the association has numerous members who only handle imported produce, including white onions. The commenter noted further that in the modern competitive produce market, consumers must be provided with the best quality products available.

A comment was also received from the European Commission, Brussels, Belgium, on behalf of the European

Community. That comment stated that the proposal aims at increasing the minimum diameter size requirement for imported onions from 2.54 to 2.79 centimeters for the period June 5 through March 9 of each year, and objected to such action. However, the Committee had recommended increasing the minimum grade for Idaho-Eastern Oregon white onions and white onions imported during the period June 5 through March 9 from U.S. No. 2 to U.S. No. 1. However, the recommendation did not include a modification to the minimum diameter size itself, which continues to be 1 inch or 2.54 centimeters.

In conjunction with the issuance of the advance notice and request for comment, the Texas Cooperative Inspection Program monitored white onions imported from Mexico during the period December 1, 1997, through March 9, 1998. This process was conducted at the request of the AMS to determine the quantity of imported white onions potentially impacted by the Committee's recommendation. An analysis of the information provided by the Inspection Program indicates that approximately 98 percent of the white onions imported from Mexico during the test period met U.S. No. 1 grade. The balance of the imported white onions during this period either met U.S. Commercial grade or failed to meet the minimum of U.S. No. 2 grade. There were no U.S. No. 2 grade white onions imported from Mexico during this period. During the test period, a total of 1,006,279 50-pound containers were offered for importation. A total of 948,069 50-pound containers graded U.S. No. 1, 11,427 50-pound containers graded U.S. Commercial, and 10,783 50-pound containers failed to meet the current minimum grade requirement of U.S. No. 2.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A 60-day comment period is provided to allow interested persons the opportunity to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 958

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 958 is proposed to be amended as follows:

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

1. The authority citation for 7 CFR part 958 continues to read as follows:

Authority: 7 U.S.C. 601-674.

2. Section 958.328 is amended by revising paragraph (a)(1) to read as follows:

§ 958.328 Handling Regulations.

* * * * *

(a)(1) *Grade and size requirements.* (i) White varieties shall be either:

(A) U.S. No. 1, 1 inch minimum to 2 inches maximum diameter; or

(B) U.S. No. 1, at least 1½ inches minimum diameter.

(ii) Neither of these two categories of onions may be commingled in the same bag or other container.

* * * * *

Dated: June 26, 1998.

Eric M. Forman,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98-17564 Filed 7-1-98; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07-98-039]

RIN 2115-AE46

Special Local Regulations; City of Charleston, SC

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: Temporary special local regulations are being proposed for the Charleston Maritime Center's South Carolina Tug Boat Challenge. The event will last approximately 30 minutes and will take place, depending on shipping traffic, between 11 a.m. and 5 p.m. Eastern Daylight Time (EDT) on August 8, 1998, in Charleston Harbor on Cooper River Charleston, SC. The exact time of the race will be announced via separate Broadcast Notice to Mariners. These regulations are necessary for the safety of life on the navigable waters during the event.

DATES: Comments must be received on or before August 3, 1998.

ADDRESSES: Comments may be mailed to U.S. Coast Guard Group Charleston, 196 Tradd Street, Charleston, SC 29401-1817, or may be delivered to the

Operations Department at the same address, between 8:00 a.m. to 3:00 p.m. EST, Monday through Friday, except federal holidays. Comments will become a part of the public docket and will be available for copying and inspection at the same address.

FOR FURTHER INFORMATION CONTACT: LTJG A.L. Cooper, Project Manager, Coast Guard Group Charleston at (803) 720-7748.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking [CGD07-98-039] and the specific section of this proposal to which each comment applies and give the reason for each comment.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If the Coast Guard determines that the opportunity for oral presentations will aid this rulemaking, it will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

This proposed rule is needed to provide for the safety of life during the South Carolina Tug Boat Challenge. The tug race is expected to create large and powerful wakes. This proposed rule is intended to promote safe navigation on the Cooper River immediately before, during, and after the race by controlling the traffic entering, exiting, and traveling within the regulated area.

There will be 6 to 8 participants racing barges on a fixed course. The event will take place on the Cooper River at Charleston, SC, starting at the John P. Grace Memorial Bridge, also known as the Cooper River Bridge, and continue south through Hog Island Reach and end at the southern end of Customhouse Reach on August 8, 1998. The proposed regulation will be effective for approximately 30 minutes between 11 a.m. and 5 p.m. The actual time of the event will be chosen to ensure the least interference with vessel traffic in Charleston Harbor.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of

executive order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The regulated area encompasses less than 2 nautical miles on the Cooper River between the John P. Grace Bridge and the southern end of Customhouse Reach, and entry is prohibited for only approximately 30 minutes on the day of the event.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include small business, not-for-profit organizations that are independently owned and operated and are not dominant in their field, and governmental jurisdiction with populations of less than 50,000.

Therefore, the Coast Guard certifies under section 605(b) that this proposed rule, if adopted, will not have a significant effect upon a substantial number of small entities because this regulation will only be in effect in a limited area for a period of approximately 30 minutes on one day.

If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment explaining why you think it qualifies and in what way and what degree this proposed rule will economically affect it.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

Federalism

This action has been analyzed in accordance with the principals and criteria contained in Executive Order 12612 and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this action and determined pursuant to Figure 2-1, paragraph #34(h) of Commandant Instruction M16475.1C, that this proposed rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination has been prepared and is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 100 of Title 33, Code of Federal Regulations, as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35 T-07-039 is added to read as follows:

§ 100.35T-07-39 South Carolina Tug Boat Challenge, Charleston Harbor, Charleston, SC.

(a) *Definitions.* (1) *Regulated area.* A regulated area is established on that portion of the Cooper River at Charleston, SC between the John P. Grace Memorial Bridge, also known as the Cooper River Bridge, and the southern end of Customhouse Reach. The regulated area encompasses the width of the Cooper River between these two points.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Charleston, SC.

(b) *Special local regulations.* (1) Entry into the regulated area by other than event participants is prohibited, unless otherwise authorized by the Coast Guard Patrol Commander. After termination of the South Carolina Tug Boat Challenge on August 8, 1998, all vessels may resume normal operations.

(2) On August 8, 1998, Coast Guard Group Charleston will issue a broadcast Notice to Mariners on VHF Channel 16/22A advising mariners of the exact time of the regulated area.

(3) A succession of not fewer than 5 short whistle or horn blasts from a patrol vessel will be the signal for any

and all vessels to take immediate steps to avoid collision. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately.

(4) Spectators are required to maintain a safe distance from the racecourse at all times.

(c) *Dates.* This section is effective for approximately 30 minutes between 11 a.m. and 5 p.m. EDT on August 8, 1998.

Dated: June 24, 1998.

Norman T. Saunders,

*Rear Admiral, U.S. Coast Guard Commander,
Seventh Coast Guard District.*

[FR Doc. 98-17646 Filed 7-1-98; 8:45 am]

BILLING CODE 4910-15-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98-97; RM-9287]

Radio Broadcasting Services; Hudson, WY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Windy Valley Broadcasting proposing the allotment of Channel 286C at Hudson, Wyoming, as the community's first local aural transmission service. Channel 286C can be allotted to Hudson in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 286C at Hudson are North Latitude 42-54-24 and West Longitude 108-35-00.

DATES: Comments must be filed on or before August 17, 1998, and reply comments on or before September 1, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: A. Wray Fitch, III, Esq., Gammon & Grange, P.C., 8280 Greensboro Drive, McLean, Virginia 22102-3807 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-97, adopted June 17, 1998, and released June 26, 1998. The full text of

this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-17555 Filed 7-1-98; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98-99; RM-9283]

Radio Broadcasting Services; Shoshoni, WY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Windy Valley Broadcasting proposing the allotment of Channel 290C at Shoshoni, Wyoming, as the community's first local aural transmission service. Channel 290C can be allotted to Shoshoni in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 290C at Shoshoni are North Latitude 43-14-06 and West Longitude 108-06-36.

DATES: Comments must be filed on or before August 17, 1998, and reply comments on or before September 1, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: A. Wray Fitch, III, Esq., Gammon & Grange, P.C., 8280 Greensboro Drive, McLean, Virginia 22102-3807 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT:

Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-99, adopted June 17, 1998, and released June 26, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-17554 Filed 7-1-98; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98-101, RM-9289]

Radio Broadcasting Services; Yuma, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Ronald L. Zahller and Kent Sager, seeking the allotment of Channel 233A to Yuma, Colorado, as that community's second local FM transmission service. Coordinates used for this proposal are 40-07-30 NL and 102-43-24 WL.

DATES: Comments must be filed on or before August 17, 1998, and reply comments on or before September 1, 1998.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: John F. Garziglia and Patricia M. Chuh, Esqs., Pepper & Corazzini, L.L.P., 1776 K Street, NW., Suite 200, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-101, adopted June 17, 1998, and released June 26, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-17553 Filed 7-1-98; 8:45 am]

BILLING CODE 6712-01-U

Notices

Federal Register

Vol. 63, No. 127

Thursday, July 2, 1998

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[FV-97-329N]

United States Standards for Grades of Canned Beets, United States Standards for Grades of Canned Carrots and the United States Standards for Grades of Canned White Potatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is revising standards for grades of canned beets, carrots, and white potatoes (canned root crop vegetables). Specifically, USDA is modifying the Recommended Minimum Drained Weight Averages (RMDWA's) for all styles packed in No. 300 size cans to be equivalent to the percent water capacity corresponding to the closest sized container, the No. 303 can, i.e., reduced by 9.02 percent. These changes were requested by industry in order to improve the usability of the U.S. standards for these canned root crop vegetables. In addition, USDA will further improve the standards and promote consistency by changing the format of the tables to incorporate a column for the water capacity of each container size and add metric system tables to the canned beets and canned carrots standards.

EFFECTIVE DATE: August 3, 1998.

FOR FURTHER INFORMATION CONTACT: Chere L. Shorter, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building; STOP 0247, P.O. Box 96456, Washington, DC 20090-6456; Telephone (202) 720-4693, fax (202) 690-1087; or e-mail chere_l_shorter@usda.gov.

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agriculture "to develop and improve standards of quality, condition, quantity, grade, and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *". AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Canned Beets, the United States Standards for Grades of Canned Carrots, and the United States Standards for Grades of Canned White Potatoes (canned root crop vegetables) do not appear in the Code of Federal Regulations but are maintained by USDA.

The current U.S. grade standards for these canned root crop vegetables, along with the changes, are available either through the above addresses or by accessing the Internet at the following site: www.ams.usda.gov/standards/vegcan.htm.

Procedures for revising, suspending, or terminating voluntary official grades standards were published in August 13, 1997, (62 FR 43439).

In November 1993, USDA received a request to review the RMDWA's for these canned root crops in No. 300 size containers from the National Food Processors Association's (NFPA)'s Grade Standards Review Subcommittee. NFPA requested the changes in the United States Standards for Grades of Canned Beets; Canned Carrots; and Canned White Potatoes.

NFPA requested that the recommended drained weight of the No. 300 size container be reviewed for all styles of canned root crop vegetables. Within the last few years the canning industry has been replacing production of the No. 303 container size with the No. 300 container. The total water capacity for the No. 300 container is less than the total water capacity for a No. 303 container. The percentage water capacity, on which the recommended minimum drained weight average is based, is calculated by dividing the RMDWA for a particular style of canned root crop vegetable by the total water capacity of the container. Studies done by the USDA have found that for every

style of canned root crop vegetable under consideration, in the current U.S. standards, the drained weight as a percentage of the water capacity is significantly more for the No. 300 container than for No. 303 containers, even though the available capacity of the No. 300 container is 9.02 percent less than that of the No. 303 container.

NFPA stated that several companies were noting difficulty in meeting the RMDWA requirements for these products in the No. 300 cans. The remedies recommended by NFPA proposed that the RMDWA's in the U.S. grade standards for canned beets; canned carrots; and canned white potatoes be reduced to the same percentage water capacity offered in the No. 303 container size, i.e., lowered by 9.02 percent. The No. 303 can size was chosen because the size relationship is closest to the No. 300 can.

USDA published a notice in the **Federal Register** January 15, 1998, (63 FR 2356). Five comments were received from industry members. All comments received indicated that the affected industry members were in favor of the revision to base the RMDWA on the percent water capacity of the No. 303 container.

Accordingly, AMS agrees with the recommendations to improve the United States Standards for Grades of Canned Beets; Canned Carrots; and Canned White Potatoes and is making changes to and adding the following tables: Canned Beets, Table I, adding Table IA, Canned Carrots, Table I, adding Table IA, and Canned White Potatoes, Table I and Table IA. Specifically, the changes will: (1) Adjust the RMDWA's for No. 300 containers which were calculated using the percentage water capacity corresponding to No. 303 containers and lowered accordingly by 9.02 percent of the RMDWA of the 303 size container; and further improve the standards and promote consistency by (2) changing the format to include tables that will incorporate the water capacity of each container size; and (3) adding metric system tables to the canned beet and canned carrot standards.

The changes will become effective 30 days after the publication of this notice in the **Federal Register**. These changes will improve the grade standards by making RMDWA's proportional for the No. 300 can size, enhance safety of the product, and help to facilitate the

marketing of canned beets, carrots and white potatoes. This will allow for a more equitable marketing environment for the canning industry.

Authority: 7 U.S.C. 1621-1627.

Dated: June 24, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98-17563 Filed 7-1-98; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

National School Lunch, Special Milk, and School Breakfast Programs; National Average Payments/Maximum Reimbursement Rates

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces the annual adjustments to: (1) the "national average payments, "the amount of money the Federal Government provides States for lunches, meal supplements and breakfasts served to children participating in the National School Lunch and School Breakfast Programs; (2) the "maximum reimbursement rates," the maximum per lunch rate from Federal funds that a State can provide a school food authority for lunches served to children participating in the National School Lunch Program; and (3) the rate of reimbursement for a half-pint of milk served to nonneedy children in a school or institution which participates in the Special Milk Program for Children. The payments and rates are prescribed on an annual basis each July. The annual payments and rates adjustments for the National School Lunch and School Breakfast Programs reflect changes in the Food Away From Home series of the Consumer Price Index for All Urban Consumers. The annual rate adjustment for the Special Milk Program reflects changes in the Producer Price Index for Fluid Milk Products. These payments and rates are in effect from July 1, 1998 through June 30, 1999.

EFFECTIVE DATE: July 1, 1998.

FOR FURTHER INFORMATION CONTACT: Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, FNS, USDA, Alexandria, Virginia 22302, (703) 305-2620.

SUPPLEMENTARY INFORMATION: This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C.

601-612) and thus is exempt from the provisions of that Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), no new recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

This action is exempted from review by the Office of Management and Budget under Executive Order 12866.

National School Lunch, School Breakfast and Special Milk Programs are listed in the Catalog of Federal Domestic Assistance under No. 10.553, No. 10.555 and No. 10.556, respectively, and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V, and the final rule related notice published at 48 FR 29114, June 24, 1983.)

Background

Special Milk Program for Children

Pursuant to section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772), the Department announces the rate of reimbursement for a half-pint of milk served to nonneedy children in a school or institution which participates in the Special Milk Program for Children. This rate is adjusted annually to reflect changes in the Producer Price Index for Fluid Milk Products (Code 0231), published by the Bureau of Labor Statistics of the Department of Labor.

For the period July 1, 1998 to June 30, 1999, the rate of reimbursement for a half-pint of milk served to a nonneedy child in a school or institution which participates in the Special Milk Program is 13.00 cents. This reflects an increase of 4.65 percent in the Producer Price Index for Fluid Milk Products (Code 0231) from May 1997 to May 1998 (from a level of 135.4 in May 1997 to 141.7 in May 1998).

As a reminder, schools or institutions with pricing programs which elect to serve milk free to eligible children continue to receive the average cost of a half-pint of milk (the total cost of all milk purchased during the claim period divided by the total number of purchased half-pints) for each half-pint served to an eligible child.

National School Lunch and School Breakfast Programs

Pursuant to Sections 11 and 17A of the National School Lunch Act, (42 U.S.C. 1759a and 1766a), and Section 4 of the Child Nutrition Act of 1966, (42 U.S.C. 1773), the Department annually announces the adjustments to the

National Average Payment Factors and to the maximum Federal reimbursement rates for meals and supplements served to children participating in the National School Lunch Program. Adjustments are prescribed each July 1, based on changes in the Food Away From Home series of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor. The changes in the national average payment rates for schools and residential child care institutions for the period July 1, 1998 through June 30, 1999 reflect a 2.75 percent increase in the Price Index during the 12-month period May 1997 to May 1998 (from a level of 156.3 in May 1997 to 160.6 in May 1998).

Section 704(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, enacted August 22, 1996, amended section 11(a)(3)(B) of the National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)) and changed the method for computing the annual adjustments to the national average payment rates for meals and supplements served to *nonneedy* children. Effective July 1, 1997, the annual adjustments to the payment rates for paid meals under Section 4 of the National School Lunch Act (42 U.S.C. 1753), and Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and *paid* supplements under Section 17(c) of the National School Lunch Act (42 U.S.C. 1766(c)), authorized under Section 11(a)(3)(B) of the National School Lunch Act, is rounded down to the nearest whole cent. The annual adjustments to the Section 4 payments for free and reduced price meals and to the Section 17(c) payments for free and reduced price supplements, were unchanged by P.L. 104-193 and are rounded up or down to the nearest one-fourth cent.

Lunch Payment Levels

Section 4 of the National School Lunch Act (42 U.S.C. 1753) provides general cash for food assistance payments to States to assist schools in purchasing food. The National School Lunch Act provides two different Section 4 payment levels for lunches served under the National School Lunch Program. The lower payment level applies to lunches served by school food authorities in which less than 60 percent of the lunches served in the school lunch program during the second preceding school year were served free or at a reduced price. The higher payment level applies to lunches served by school food authorities in which 60 percent or more of the lunches served

during the second preceding school year were served free or at a reduced price.

To supplement these Section 4 payments, Section 11 of the National School Lunch Act provides special cash assistance payments to aid schools in providing free and reduced price lunches. The Section 11 National Average Payment Factor for each reduced price lunch served is set at 40 cents less than the factor for each free lunch.

As authorized under Sections 8 and 11 of the National School Lunch Act (42 U.S.C. 1757, 1759a), maximum reimbursement rates for each type of lunch are prescribed by the Department in this Notice. These maximum rates are to ensure equitable disbursement of Federal funds to school food authorities.

Meal Supplement Payments in Afterschool Care Programs

Section 17A of the National School Lunch Act (42 U.S.C. 1766a) authorizes elementary and secondary schools to be reimbursed for meal supplements as part of the National School Lunch Program if they meet the following requirements: (1) operate school lunch programs under the National School Lunch Act; (2) sponsor afterschool care programs; and (3) were participating in the Child and Adult Care Food Program as of May 15, 1989. The reimbursement rates for supplements served in Afterschool Care Programs under the National School Lunch Program are the same as the rates for supplements served in centers under the Child and Adult Care Food Program.

Breakfast Payment Factors

Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) establishes National Average Payment Factors for free, reduced price and paid breakfasts served under the School Breakfast Program and additional payments for free and reduced price breakfasts served in schools determined to be in "severe need" because they serve a high percentage of needy children.

Revised Payments

The following specific Section 4, Section 11 and Section 17A National Average Payment Factors and maximum reimbursement rates for lunch, the afterschool supplement rates and breakfast rates are in effect from July 1, 1998 through June 30, 1999. Due to a higher cost of living, the average payments and maximum reimbursements for Alaska and Hawaii are higher than those for all other States. The District of Columbia, Virgin Islands, Puerto Rico and Guam use the figures specified for the contiguous States.

National School Lunch Program Payments

Section 4 National Average Payment Factors

In school food authorities which served *less than 60 percent* free and reduced price lunches in School Year 1996-97, the payments for meals served are: *Contiguous States*—paid rate—18 cents, free and reduced price rate—18.75 cents, maximum rate—26 cents; *Alaska*—paid rate—30 cents, free and reduced price rate—30.25 cents, maximum rate—40 cents; *Hawaii*—paid rate—21 cents, free and reduced price rate—21.75 cents, maximum rate—30 cents.

In school food authorities which served *60 percent or more* free and reduced price lunches in School Year 1996-97, payments are: *Contiguous States*—paid rate—20 cents, free and reduced price rate—20.75 cents, maximum rate—26 cents; *Alaska*—paid rate—32 cents, free and reduced price rate—32.25 cents, maximum rate—40 cents; *Hawaii*—paid rate—23 cents, free and reduced price rate—23.75 cents, maximum rate—30 cents.

Section 11 National Average Payment Factors

Contiguous States—free lunch—175.50 cents, reduced price lunch—135.50 cents; *Alaska*—free lunch—284.25 cents, reduced price lunch—244.25 cents; *Hawaii*—free lunch—205.25 cents, reduced price lunch—165.25 cents.

Meal Supplements in Afterschool Care Programs—The payments are: *Contiguous States*—free supplement—53.25 cents, reduced price supplement—26.75 cents, paid supplement—4 cents; *Alaska*—free supplement—86.25 cents, reduced price supplement—43.25 cents, paid supplement—7 cents; *Hawaii*—free supplement—62.25 cents, reduced price supplement—31.25 cents, paid supplement—5 cents.

School Breakfast Program Payments

For schools "not in severe need" the payments are: *Contiguous States*—free breakfast—107.25 cents, reduced price breakfast—77.25 cents, paid breakfast—20 cents; *Alaska*—free breakfast—170 cents, reduced price breakfast—140 cents, paid breakfast—29 cents; *Hawaii*—free breakfast—124.50 cents, reduced price breakfast—94.50 cents, paid breakfast—23 cents.

For schools in "severe need" the payments are: *Contiguous States*—free breakfast—127.75 cents, reduced price breakfast—97.75 cents, paid breakfast—20 cents; *Alaska*—free breakfast—203 cents, reduced price breakfast—173 cents, paid breakfast—29 cents; *Hawaii*—free breakfast—148.25 cents, reduced price breakfast—118.25 cents, paid breakfast—23 cents.

Payment Chart

The following chart illustrates: the lunch National Average Payment Factors with the Sections 4 and 11 already combined to indicate the per meal amount; the maximum lunch reimbursement rates; the reimbursement rates for meal supplements served in afterschool care programs; the breakfast National Average Payment Factors including "severe need" schools; and the milk reimbursement rate. All amounts are expressed in dollars or fractions thereof. The payment factors and reimbursement rates used for the District of Columbia, Virgin Islands, Puerto Rico and Guam are those specified for the contiguous States.

BILLING CODE 3410-30-U

SCHOOL PROGRAMS MEAL AND MILK PAYMENTS TO STATES AND SCHOOL FOOD AUTHORITIES Expressed in Dollars or Fractions Thereof Effective from July 1, 1998 - June 30, 1999				
NATIONAL SCHOOL LUNCH PROGRAM *		LESS THAN 60%	60% OR MORE	MAXIMUM RATE
CONTIGUOUS STATES	PAID	\$.1800	\$.2000	\$.2600
	REDUCED PRICE	1.5425	1.5625	1.7125
	FREE	1.9425	1.9625	2.1125
ALASKA	PAID	\$.3000	\$.3200	\$.4000
	REDUCED PRICE	2.7450	2.7650	3.0100
	FREE	3.1450	3.1650	3.4100
HAWAII	PAID	\$.2100	\$.2300	\$.3000
	REDUCED PRICE	1.8700	1.8900	2.0675
	FREE	2.2700	2.2900	2.4675
SCHOOL BREAKFAST PROGRAM		NON-SEVERE NEED		SEVERE NEED
CONTIGUOUS STATES	PAID	\$.2000		\$.2000
	REDUCED PRICE	.7725		.9775
	FREE	1.0725		1.2775
ALASKA	PAID	\$.2900		\$.2900
	REDUCED PRICE	1.4000		1.7300
	FREE	1.7000		2.0300
HAWAII	PAID	\$.2300		\$.2300
	REDUCED PRICE	.9450		1.1825
	FREE	1.2450		1.4825
SPECIAL MILK PROGRAM		ALL MILK	PAID MILK	FREE MILK
PRICING PROGRAMS WITHOUT FREE OPTION		\$.13	N/A	N/A
PRICING PROGRAMS WITH FREE OPTION		N/A	\$.13	Average cost 1/2 pint milk
NONPRICING PROGRAMS		\$.13	N/A	N/A
SUPPLEMENTS SERVED IN AFTERSCHOOL CARE PROGRAMS				
CONTIGUOUS STATES	PAID	\$.0400		
	REDUCED PRICE	.2675		
	FREE	.5325		
ALASKA	PAID	\$.0700		
	REDUCED PRICE	.4325		
	FREE	.8625		
HAWAII	PAID	\$.0500		
	REDUCED PRICE	.3125		
	FREE	.6225		

* Payments listed for Free & Reduced Price Lunches include both sections 4 and 11 funds.

Authority: Sections 4, 8, 11 and 17A of the National School Lunch Act, as amended, (42 U.S.C. 1753, 1757, 1759a, 1766a) and sections 3 and 4(b) of the Child Nutrition Act, as amended, (42 U.S.C. 1772 and 42 U.S.C. 1773(b)).

Dated: June 26, 1998.

George A. Braley,
Acting Administrator.

[FR Doc. 98-17675 Filed 7-1-98; 8:45 am]

BILLING CODE 3410-30-U

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Child and Adult Care Food Program: National Average Payment Rates, Day Care Home Food Service Payment Rates, and Administrative Reimbursement Rates for Sponsors of Day Care Homes for the Period July 1, 1998-June 30, 1999

AGENCY: Food and Nutrition Service,
USDA.

ACTION: Notice.

SUMMARY: This notice announces the annual adjustments to the national average payment rates for meals served in child care, outside-school-hours care and adult day care centers; the food service payment rates for meals served in day care homes; and the administrative reimbursement rates for sponsors of day care homes to reflect changes in the Consumer Price Index. Further adjustments are made to these rates to reflect the higher costs of providing meals in the States of Alaska and Hawaii. The adjustments contained in this notice are required by the statutes and regulations governing the Child and Adult Care Food Program (CACFP).

EFFECTIVE DATE: July 1, 1998.

FOR FURTHER INFORMATION CONTACT: Robert M. Eadie, Branch Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302, (703) 305-2620.

SUPPLEMENTARY INFORMATION: This program is listed in the Catalog of Federal Domestic Assistance under No. 10.558 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V, and final rule related notice published at 48 FR 29114, June 24, 1983.)

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review in accordance with the

Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3518).

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601-612) and thus is exempt from the provisions of that Act. This notice has been determined to be exempt under Executive Order 12866.

Definitions

The terms used in this notice shall have the meanings ascribed to them in the regulations governing the CACFP (7 CFR Part 226).

Background

Pursuant to sections 4, 11 and 17 of the National School Lunch Act (NSLA) (42 U.S.C. 1753, 1759a and 1766), section 4 of the Child Nutrition Act of 1966 (CNA) (42 U.S.C. 1773) and sections 226.4, 226.12 and 226.13 of the regulations governing the CACFP (7 CFR Part 226), notice is hereby given of the new payment rates for participating institutions. These rates shall be in effect during the period July 1, 1998 through June 30, 1999.

As provided for under the NSLA and the CNA of 1966, all rates in the CACFP must be revised annually on July 1 to reflect changes in the Consumer Price Index (CPI) for the most recent 12-month period. In accordance with this mandate, the Department last published the adjusted national average payment rates for centers, the food service payment rates for day care homes and the administrative reimbursement rates for sponsors of day care homes on July 14, 1997 at 62 FR 37702 (for the period July 1, 1997-June 30, 1998).

Section 704(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193, amended section 11a(3)(B) of the NSLA (42 U.S.C. 1759a(a)(3)(B)) and changed the method for computing the annual adjustments to the national average payment rates for meals and supplements served to *non-needy* children in day care centers. Beginning July 1, 1997, the annual adjustments to the payment rates for *paid* meals and *paid* supplements were rounded down to the nearest whole cent. The annual adjustments to the payments for free and reduced price meals and to the payments for free and reduced price supplements were unchanged by Pub. L. 104-193 and continue to be rounded up or down to the nearest one fourth cent.

Section 708(e)(1) of Pub. L. 104-193 also amended section 17(f)(3)(A) of the NSLA to establish two "tiers" of day care homes and reimbursement rates. Tier I homes are homes located in low-income areas or homes in which the provider's household income is at or

below 185 percent of the Federal income poverty guidelines. Tier II homes are those homes which do not meet the location or provider income criteria for a tier I home. However, tier II homes may receive the tier I rates for meals served to identified income-eligible children (i.e. children from households with incomes at or below 185 percent of the Federal income poverty guidelines).

Pub. L. 104-193 further specified in section 17(f)(3)(A)(ii) (III) and (IV) the reimbursement factors for meals served in tier I day care homes as the factors in effect on July 1, 1996, with adjustments made to the factors on July 1, 1997, and each July 1 thereafter. Pub. L. 104-193 further provided in section 17(f)(3)(A) (ii)(IV) and (iii)(I)(bb) (42 U.S.C. 1766(f)(3)(A) (ii)(IV) and (iii)(I)(bb)) of the NSLA that the factors paid to tier I and tier II homes be rounded down to the nearest whole cent, instead of rounding the factors up or down to the nearest quarter-cent increment as previously required. Subsequent adjustments must be based on the unrounded rate from the preceding school year. In addition, annual adjustments, which were previously based on changes in the CPI for food away from home, must now be made based on the CPI for food at home.

Please note that reimbursement rates for tier II family day care homes are set forth in section 17(f)(3)(A)(iii)(I)(aa) of the NSLA (42 U.S.C. 1766(f)(3)(A)(iii)(I)(aa)), as amended by section 708(e)(1) of Pub. L. 104-193. After these reimbursement rates were adjusted and rounded down to the nearest whole cent as required under the law, an additional six cents was added to the breakfast rate as required by section 4(b)(3) of the CNA of 1966, as amended (42 U.S.C. 1773(b)(3)). The CNA requires that all reimbursement rates for breakfasts served under the School Breakfast Program and the CACFP be adjusted upward by six cents. As background, this addition was first made in 1986, under Pub. L. 99-500, the School Lunch and Child Nutrition Amendments of 1986, which added three cents to adjusted breakfast rates to assist States in improving the nutritional quality of the breakfasts. This adjustment was raised from three cents to six cents in 1989 under Pub. L. 101-147, the Child Nutrition and WIC Reauthorization Act of 1989, for the same reason.

The payment rates for the period July 1, 1998-June 30, 1999 are:

ALL STATES EXCEPT ALASKA AND
HAWAII

Meals Served in Centers—Per Meal Rates in Dollars or Fractions thereof:	
Breakfasts:	
Paid	\$0.20
Free	1.0725
Reduced	0.7725
Lunches and Suppers: ¹	
Paid	\$0.18
Free	1.9425
Reduced	1.5425
Supplements:	
Paid	\$0.04
Free .....	.5325
Reduced .....	.2675

¹ These rates do not include the value of commodities (or cash-in-lieu of commodities) which institutions receive as additional assistance for each lunch or supper served to participants under the program. A notice announcing the value of commodities and cash-in-lieu of commodities is published separately in the FEDERAL REGISTER.

	Tier I	Tier II
Meals Served in Day Care Homes—Per Meal Rates in Dollars or Fractions thereof:		
Breakfasts	\$0.90	\$0.34
Lunches and Suppers	1.65	1.00
Supplements	0.49	0.13
Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes—Per Home/Per Month Rates in Dollars:		
Initial 50 day care homes		\$76
Next 150 day care homes		\$58
Next 800 day care homes		\$45
Additional day care homes		\$40

Pursuant to section 12(f) of the NSLA (42 U.S.C 1760(f)), the Department adjusts the payment rates for participating institutions in the States of Alaska and Hawaii. The new payment rates for Alaska are as follows:

ALASKA

Meals Served in Centers—Per Meals Rates in Dollars or Fractions thereof:	
Breakfasts:	
Paid	\$0.29
Free	1.70
Reduced	1.40
Lunches and Suppers: ¹	
Paid	\$0.30
Free	3.1450
Reduced	2.7450

ALASKA—Continued

Supplements:	
Paid	\$0.07
Free	0.8625
Reduced	0.4325

¹ These rates do not include the value of commodities (or cash-in-lieu of commodities) which institutions receive as additional assistance for each lunch or supper served to participants under the program. A notice announcing the value of commodities and cash-in-lieu of commodities is published separately in the FEDERAL REGISTER.

	Tier I	Tier II
Meals Served in Day Care Homes—Per Meal Rates in Dollars or Fractions thereof:		
Breakfasts	\$1.42	\$0.52
Lunches and Suppers	2.68	1.62
Supplements	0.80	0.22
Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes—Per Home/Per Month Rates in Dollars:		
Initial 50 day care homes	123	.....
Next 150 day care homes .....	.....	94
Next 800 day care homes .....	.....	73
Additional day care homes .....	.....	65

The new payment rates for Hawaii are as follows:

HAWAII

Meals Served in Centers—Per Meal Rates in Dollars or Fractions thereof:	
Breakfasts:	
Paid	\$0.23
Free	1.2450
Reduced	0.9450
Lunches and Suppers: ¹	
Paid	\$0.21
Free	2.27
Reduced	1.87
Supplements:	
Paid	\$0.05
Free	0.6225
Reduced	0.3125

¹ These rates do not include the value of commodities (or cash-in-lieu of commodities) which institutions receive as additional assistance for each lunch or supper served to participants under the program. A notice announcing the value of commodities and cash-in-lieu of commodities is published separately in the FEDERAL REGISTER.

	Tier I	Tier II
Meals Served in Day Care Homes—Per Meal Rates in Dollars or Fractions thereof:		
Breakfasts	\$1.04	\$0.39
Lunches and Suppers	1.93	1.17
Supplements	0.57	0.16
Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes—Per Home/Per Month Rates in Dollars:		
Initial 50 day care homes	\$89	.....
Next 150 day care homes	68	.....
Next 800 day care homes	53	.....
Additional day care homes	47	.....

The changes in the national average payment rates for centers reflect a 2.75 percent increase during the 12-month period May 1997 to May 1998 (from 156.3 in May 1997 to 160.6 in May 1998) in the food away from home series of the CPI for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

The changes in the food service payment rates for day care homes reflect 2.03 percent increase during the 12-month period May 1997 to May 1998 (from 157.5 in May 1997 to 160.7 in May 1998) in the food at home series of the CPI for All Urban Consumers.

The changes in the administrative reimbursement rates for sponsoring organizations of day care homes reflect a 1.68 percent increase during the 12-month period May 1997 to May 1998 (from 160.1 in May 1997 to 162.8 in May 1998) in the series for all items of the CPI for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

The total amount of payments available to each State agency for distribution to institutions participating in the program is based on the rates contained in this notice.

Authority: Sections 4(b)(2), 11a, 17(c) and 17(f)(3)(B) of the National School Lunch Act, as amended (42 U.S.C. 1753(b)(2), 1759a, 1766(f)(3)(B)) and section 4(b)(1)(B) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1773(b)(1)(B)).

Dated June 26, 1998.

George A. Braley,
Acting Administrator.

[FR Doc. 98–17674 Filed 7–1–98; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE**Forest Service****Knox-Brooks Timber Sales and Road Rehabilitation; Superior Ranger District, Lolo National Forest; Mineral County, Montana**

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement.

AUTHORITY: 40 CFR 1508.22.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) for timber harvesting, prescribed burning, road access changes, and watershed rehabilitation in a 38,000-acre area near St. Regis, Montana.

DATES: Initial comments concerning the scope of the analysis should be received in writing within 30 days following publication of this notice. Comments received during the initial scoping will be considered in the analysis and do not need to be resubmitted during this comment time period.

ADDRESSES: Send written comments to Cindy Chapman Enstrom, District Ranger, Superior Ranger District, Box 460, Superior, MT 59872.

FOR FURTHER INFORMATION CONTACT: Bruce Erickson, Knox-Brooks Interdisciplinary Team Leader, Superior Ranger District, as above, or phone: (406) 822-4233.

SUPPLEMENTARY INFORMATION: The responsible official who will make decisions based on this EIS is Charles C. Wildes, Forest Supervisor, Lolo National Forest, Building 24 Fort Missoula, Missoula, MT 59804. He will decide on this proposal after considering comments and responses, environmental consequences discussed in the Final EIS, and applicable laws, regulations, and policies. The decision and reasons for the decision will be documented in a Record of Decision.

The Forest Service proposes to harvest approximately 51,000 hundred cubic feet of timber from about 3180 acres, (about 1050 of those acres to be burned after harvest), to reconstruct or recondition about 50 miles of road and stabilize and/or obliterate about 37 miles of existing road (primarily to mitigate existing water quality and fish habitat impacts), and to add new yearlong road closures to about 4 miles of currently open roads. New road construction would be limited to about 2 miles of permanent road and about 5 miles of temporary road.

Lands affected are within the Twelvemile Creek and Twin Creek

drainages, tributary to the St. Regis River, between DeBorgia and St. Regis, Montana. The project area is bounded by Interstate 90 to the south and the divide between Plains/Thompson Falls and Superior Ranger Districts to the north.

The purpose of this proposal is to carry out the goals and direction given in the Lolo National Forest Land and Resource Management Plan with ecosystem management principles. Key elements of the purpose and need are:

(1) Treat pine stands considering the mountain pine beetle epidemic moving through the area by altering timber stands to reduce mountain pine beetle hazard and by providing a mix of age classes so the continuity of susceptible stands is reduced for future outbreaks;

(2) Rehabilitate water quality and fisheries habitat through improving channel stability, reducing sources of sediment, reducing erosion and improving drainage on existing roads that are needed for long-term management, and reclaiming roads that are not needed; and

(3) Contribute to the short-term output goals and long-term forest plan expectations for timber production.

The decision to be made is to what extent, if at all, the Forest Service should conduct timber harvest, prescribed burning, road construction or reconstruction, road reclamation, and road closures in the Twelvemile Creek and Twin Creek drainages, given the above purpose and need. This is a site-specific project decision, not a general management plan nor a programmatic analysis.

Public scoping has been conducted on most elements of this proposal both with this proposal and an earlier version of this proposal.

While quite a number of issues have been identified for environmental effects analysis, the following issues have been found significant enough to guide alternative development and provide focus for the EIS:

(1) Water quality and fisheries habitat effects resulting from timber harvest and road construction and rehabilitation activities;

(2) Wildlife habitat effects (including hunting season bull elk security) resulting from timber harvest and road construction and rehabilitation activities; and

(3) Economic effect on local communities resulting from different access methods and resulting timber values.

The proposed action could have both beneficial and adverse effects on these resources. In addition to the proposed action, a range of alternatives will be

developed in response to issues identified during scoping. Other alternatives planned for detailed study are:

(1) No action;

(2) Harvest only from existing roads (no new roads or temporary roads) with no harvesting in bull elk security areas; and add year-round road closures to three existing roads; and

(3) Harvest from existing roads and from short-term and temporary roads on gentle ridgetops and upper sideslopes, harvest with no regeneration cuts in bull elk security areas, and add year-round road closures to three existing roads.

Public participation is important to the analysis. People may visit with Forest Service officials at any time during the analysis and prior to the decision. No formal scoping meetings are planned. However, two periods are specifically designated for comments on the analysis:

(1) During this scoping process and

(2) During the draft EIS comment period.

During the scoping process, the Forest Service is seeking information and comments from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. A scoping document will be mailed to parties known to be interested in the proposed action. The agency invites written comments and suggestions on this action, particularly in terms of issues and alternatives.

The Forest Service will continue to involve the public and will inform interested and affected parties as to how they may participate and contribute to the final decision. Another formal opportunity for response will be provided following completion of a draft EIS.

The draft EIS should be available for review in November, 1998. The final EIS is scheduled for completion in February, 1999.

The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes it is important, at this early stage, to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so it is meaningful and alerts the agency to the reviewer's position and contentions.

Vermont Yankee Nuclear Power Corp. v. NRDC, 435 U.S. 519, 553 (1978). Also,

environmental objections that could be raised at the draft environmental impact statement stage but are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important those interested in this proposed action participate by the close of the 45-day comment period so substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

I am the responsible official for this environmental impact statement. My address is Lolo National Forest, Building 24, Fort Missoula, Missoula MT 59804.

Dated: June 18, 1998.

Charles C. Wildes,
Forest Supervisor.

[FR Doc. 98-17665 Filed 7-1-98; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Clearwater Ecosystem Management and Timber Sale Projects; Seeley Lake Ranger District, Lolo National Forest, Missoula County, Montana

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare an environmental impact statement.

SUMMARY: The USDA, Forest Service, will prepare an environmental impact statement (EIS) to disclose the environmental effects of timber harvest, reforestation, temporary road construction, road access changes including closures, and prescribed and

ecosystem management burning in a 7,000 acre project area approximately 12 miles northeast of Seeley Lake, Montana.

DATE: Written comments and suggestions should be received on or before August 3, 1998.

ADDRESSES: Submit written comments and suggestions on the proposed management activities or a request to be placed on the project mailing list to Timothy G. Love, Ranger District, Lolo National Forest, HC 31, Box 3200, Seeley Lake, MT 59868.

FOR FURTHER INFORMATION CONTACT: Sharon Klinkhammer, EIS Team Leader, District Silviculturist, Lolo National Forest, Phone (406) 677-3925.

SUPPLEMENTARY INFORMATION: The responsible official who will make decisions based on this EIS is Charles Wildes, Forest Supervisor, Lolo National Forest, Building 24, Fort Missoula, Missoula, MT, 59804. He will decide on this proposal after considering comments and responses, environmental consequences, applicable laws, regulations, and policies. The decision and rationale for the decision will be documented in a Record of Decision.

The Forest Service proposes to harvest 3 million board feet of timber from 550 acres. Approximately 300 acres will be in openings ranging from 5-100 acres. Openings will retain approximately one-third of the trees growing on the site. Trees in these openings will then be burned to create fire-killed dead and the areas regenerated. To accomplish this, approximately 2 miles of temporary road will be built. An estimated 6.5 miles of road will be obliterated after harvest and additional road closures put into effect. In addition, ecosystem management burning on approximately 250 acres to improve wildlife habitat is planned. Area affected is within the Upper and East For Clearwater River Drainages approximately 12 miles northeast of Seeley Lake, MT.

The purpose of this proposal is to carry out the goals and direction stated in the Lolo National Forest Plan using ecosystem management principles. The objectives are to:

- Reduce road densities in order to meet inter-agency access standards for grizzly bear.
- Reduce the risk of mature lodgepole stands to mountain pine beetle mortality, to maintain the health and vigor of seral species stands, and to contribute to the forest plan expectations for timber production through harvesting.

- Reduce existing sources of sediment to water and fisheries resources caused by existing roads.

- Reintroduce and simulate low and moderate intensity fires in fire-dependent ecosystems in order to create fire-killed dead trees on the landscape and improve wildlife habitat.

- Treat noxious weeds.
- Create vistas of Swan mountains along the Clearwater Loop Road
- Precommercially thin young stands to achieve desired species composition and density.

Public scoping was conducted on most elements of this proposal during June, 1997. Since then the proposal has been reduced in scale and modified. Issues and comments identified during this earlier scoping process will be carried forward and addressed in this analysis.

The following key issues were identified and will be used to develop alternatives and assess environmental consequences:

1. The project area has high value grizzly bear habitat, important bull trout spawning habitat, sensitive soils, and high value water quality. The current density of roads is high enough to result in adverse effects on those resources. The density of open and closed roads exceeds the inter-agency standard for grizzly bears. Culverts and drainage features on many of the roads in the project area are inadequate for the high volume run-off typical to the area. To meet current resource standards, roads in the project area need: (1) an overall reduction in density; (2) removal or upgrade of roads or culverts most at risk of failing during high run-off events; and (3) an upgrade of drainage features to reduce sediment during run-off events.

2. Management of the project area is subject to a number of laws, standards, interim regulations, and special allocations. The area is within occupied, essential grizzly bear habitat (USDI, 1993). Road densities exceed the standard for grizzly bear habitat. While the Clearwater River is not a "Water Quality Limited" segment as determined by Montana State in the current 305(b) Report, Seeley Lake, approximately 12 miles down-stream is identified as Water Quality Limited. The USDI Fish, Wildlife Service made a decision to list bulltrout as a threatened species within the Columbia River Basin in early June, 1998. Current road densities and past management activities have resulted in a decrease in large woody debris and an increase in sediment within streams of the analysis area.

3. As a result of past management activities, including fire suppression, there has been a shift in fire regime, forest structure, species composition and patch size across the landscape. Of particular concern is the extent of mature lodgepole pine stands at risk to mountain pine beetle mortality. Some level of vegetative treatment could stabilize stands, reduce risks to insect and disease mortality, and maintain vigor. Reintroduction of fire to simulate natural processes and patterns is desirable to improve wildlife habitat.

4. Recreational values and demand are high and need to be considered. At present the Clearwater area abounds with recreation opportunities such as driving the Clearwater Loop Road, hunting, fishing, snowmobiling, cross-country skiing, berry-picking and hiking. Unique and outstanding opportunities include scenic drives and canoeing on pristine Clearwater Lake. Management actions should not detract from the existing opportunities.

5. The area east of Clearwater Loop Road is in RARE II area 01485. The boundary of the RARE II area 01485 coincides with portions of Road 4370. Portions were precommercially thinned and roaded about 30 years ago. The roads are currently over-grown with brush and undrivable. Past wilderness proposals included areas above 5800 feet but did not include this area. Any treatments proposed within the RARE II area will be analyzed to determine impacts on roadless character and will be consistent with agency regulations and policies.

In addition to these key issues, secondary issues include: treatment of noxious weeds to curtail spread, the effects of treatments on old growth stands and the species that use them, effects of treatments on management indicator species or sensitive plant and wildlife species, biodiversity, fragmentation and corridors, cultural resources and precommercial thinning of young stands.

The Forest Service will consider a range of alternatives. Other alternatives will examine varying levels and locations for activities in response to issues and other resource values. In addition to the proposed action, one of these will be the "no action" alternative—in which none of the proposed activities would be implemented. Another alternative, in addition to the treatments in the proposed action, will address the impacts of commercial thinning from existing open roads. This concept is further broadened in an alternative that adds areas that can only be accessed

from existing road and must be logged during the winter using snow roads.

Public participation is an important part of the analysis, commencing with the initial scoping process (40 CFR 1501.7) which will occur during July, 1998. In addition to this initial scoping, the public may visit Forest Service officials at any time during the analysis and prior to the decision. The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations who may be interested in, or affected by, the proposed action. Consultation with the USDI Fish, Wildlife Service on grizzly bear and bulltrout will occur. No public meetings are scheduled at this time.

The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in January, 1999. At that time, the EPA will publish a Notice of Availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS will be 45 days from the date the EPA's notice of availability appears in the **Federal Register**. It is very important that those interested in management of the Clearwater project area participant at that time. The Final EIS is scheduled to be completed by April, 1999.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statements stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Ajoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 30-day scoping comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in developing issues and alternatives. To assist the Forest Service in identifying and considering issues, comments should be as specific to this proposal as

possible. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: June 23, 1998.

Charles C. Wildes,

Forest Supervisor.

[FR Doc. 98-17666 Filed 7-1-98; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Proposed Posting of Stockyards

The Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act (7 U.S.C. 202) and should be made subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*).

MS-171—Varner Horse Company, Edwards, Mississippi

NM-123—Southwest Livestock Auction, Los Lunas, New Mexico

Pursuant to the authority under section 302 of the Packers and Stockyards Act, notice is hereby given that it is proposed to designate the stockyards named above as posted stockyards subject to the provisions of said Act.

Any person who wishes to submit written data, views or arguments concerning the proposed designation may do so by filing them with the Director, Office of Policy/Litigation Support, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, U.S. Department of Agriculture, 1400 Independence Avenue, SW, Stop 3646, Room 3418-S, Washington, D.C. 20250, by July 17, 1998.

All written submissions made pursuant to this notice will be made available for public inspection in the office of the Director of the Office of Policy/Litigation Support during normal business hours.

Done at Washington, DC, this 23rd day of June 1998.

Daniel L. Van Ackeren,

Director, Office of Policy/Litigation Support, Packers and Stockyards Programs.

[FR Doc. 98-17440 Filed 7-1-98; 8:45 am]

BILLING CODE 3410-EN-P

DEPARTMENT OF AGRICULTURE**Rural Housing Service****Notice of Request for Extension of a Currently Approved Information Collection**

AGENCY: Rural Housing Service (RHS), USDA.

ACTION: Proposed collection; Comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's intention to request an extension for a currently approved information collection in support of the program for Rural Housing Loans.

DATES: Comments on this notice must be received by August 31, 1998 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Dean A. Daetwyler, Senior Loan Specialist, Single Family Housing Servicing and Property Management Division, RHS, United States Department of Agriculture, Mail Stop 0784, 1400 Independence Ave., SW, Washington, DC 20250-0784, Telephone (202) 690-0514, E-mail dean.daetwyler@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: 7 CFR 1980-D, Rural Housing Loans.

OMB Number: 0575-0078.

Expiration Date of Approval: July 31, 1998.

Type of Request: Extension of a currently approved information collection.

Abstract: The Rural Housing Service (RHS) is authorized under Section 517 (d) of Title V of the Housing Act of 1949, as amended, to issue loan guarantees for the acquisition of new or existing dwellings and related facilities to provide decent, safe, and sanitary living conditions and other structures in rural areas by eligible recipients.

The Act also authorizes the Secretary to pay the holder of a guaranteed loan the difference between the rate of interest paid by the borrower and the market rate of interest.

The purpose of the program is to assist low and moderate income individuals and families acquire or construct a single family residence in a rural area with loans made by private lenders. Eligibility for this program includes low and moderate income families or persons whose income does not exceed 115 percent of the median income for the area, as determined by the Secretary.

The GRH program was authorized under the Cranston-Gonzalez National

Affordable Housing Act and the Agency issued a final rule implementing the GRH program on April 17, 1991, before departmental reorganization. The program began as a pilot program in 20 States on May 17, 1991. In 1992, the GRH program was offered on a nationwide basis. During the implementation process, the Agency looked for ways to improve the program and make it more user friendly.

The Agency recognized the need to make its program even more compatible with the existing structure of the mortgage lending community. On May 22, 1995, the Agency published the final rule incorporating the needed changes to encourage greater participation by lenders and the secondary market for mortgage loans.

The information requested by the Agency includes borrower financial information such as household income, assets and liabilities, and monthly expenses. All information collected is vital for the Agency to determine if borrowers qualify for and assure they receive all assistance for which they are eligible. Information requested on lenders is required to ensure lenders are eligible to participate in the GRH program. Lender requirements are in compliance with OMB Circular A-129.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .4 hours per response.

Respondents: Individuals or households and business or other for-profits.

Estimated Number of Respondents: 48,060.

Estimated Number of Responses per Respondent: 8.6.

Estimated Total Annual Burden on Respondents: 153,931 hours.

Copies of this information collection can be obtained from Michele Brooks, Regulations and Paperwork Management Branch, at (202) 692-0036.

Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of RHS, including whether the information will have practical utility; (b) the accuracy of RHS's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or

other technological collection techniques or other forms of information technology. Comments may be sent to Michele Brooks, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW, Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: June 24, 1998.

Jan E. Shadburn,

Administrator, Rural Housing Service.

[FR Doc. 98-17635 Filed 7-1-98; 8:45 am]

BILLING CODE 3410-XV-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**Procurement List; Additions and Deletions**

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and Deletions from the Procurement List.

SUMMARY: This action adds to the Procurement List a commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List services previously furnished by such agencies.

EFFECTIVE DATE: August 3, 1998.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202-4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603-7740.

SUPPLEMENTARY INFORMATION: On May 15 and May 22, 1998, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (63 F.R. 27049 and 28352) of proposed additions to and deletions from the Procurement List.

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal Government

under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodity and services.

3. The action will result in authorizing small entities to furnish the commodity and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodity and services proposed for addition to the Procurement List.

Accordingly, the following commodity and services are hereby added to the Procurement List:

Commodity

Mop Sponge Scrub Brush
M.R. 1012

Services

Base Supply Center
Homestead Air Reserve Station, Florida
Carwash Service
U.S. Border Patrol
1111 N. Imperial Avenue
El Centro, California
U.S. Border Patrol
1150 Birch Street
Calexico, California
Furnishings Management Services
Dover Air Force Base, Delaware
Grounds Maintenance
Mifflin County USARC
Lewistown, Pennsylvania
Janitorial/Custodial
PFC Harold P. Lynch USAR Center
Plattsburgh, New York
Canton USAR Center
Canton, New York
Medical Transcription
97th Medical Group
Altus AFB, Oklahoma
Refuse Collection and Disposal
Picatinny Arsenal, New Jersey

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Deletions

I certify that the following action will not have a significant impact on a

substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will not have a severe economic impact on future contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the services deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

Accordingly, the following services are hereby deleted from the Procurement List:

Grounds Maintenance
Naval Station
Mobile, Alabama
Grounds Maintenance
Portland Air National Guard Base
Portland, Oregon

Janitorial/Custodial
Pacific Highway Border Station
USDA Building
Blaine, Washington

Beverly L. Milkman,

Executive Director.

[FR Doc. 98-17737 Filed 7-1-98; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposal(s) to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 3, 1998.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310,

1215 Jefferson Davis Highway,
Arlington, Virginia 22202-4302.

FOR FURTHER INFORMATION CONTACT:

Beverly Milkman (703) 603-7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a) (2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Carbon-Removing Compound

6850-00-965-2332

6850-00-281-3042

NPA: Lighthouse for the Blind, St.

Louis, Missouri

Meals Operations Rations Commercial (MORC) Kits

8790-01-E59-0239

8790-01-E59-0240

8790-01-E59-0241

8790-01-E59-0242

8790-01-E59-0243

8790-01-E59-0244

8790-01-E59-0245

NPA: The Meadows Center for
Opportunity, Inc., Edmond,
Oklahoma

Services

Grounds Maintenance

USARC

Myrtle Beach, South Carolina

NPA: Horry County Disability and
Special Needs Board, Conway, South
Carolina

Janitorial/Custodial

USARC

Myrtle Beach, South Carolina

NPA: Horry County Disability and
Special Needs Board, Conway, South
Carolina

Laundry Service

Naval Station

Everett, Washington

NPA: Northwest Center for the
Retarded, Seattle, Washington.

Beverly L. Milkman,*Executive Director.*

[FR Doc. 98-17738 Filed 7-1-98; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Deletion to the Procurement List; Correction

In the document appearing on page 30706 FR Doc. 98-14999, in the issue of June 5, 1998, in the second column, a Painting Service, McClellan Air Force Base, California, is listed as deleted from the Procurement List, effective July 6, 1998. The Committee voted to delete this service on information that the facility was closing and that this service would no longer be required. Since the June 5, 1998 deletion notice, the Air Force has indicated that it still requires this service.

Accordingly, the notice of June 5, 1998 referenced above is corrected to remove Painting Service, McClellan Air Force Base, California from the list of services deleted from the Procurement List.

Beverly L. Milkman,*Executive Director.*

[FR Doc. 98-17739 Filed 7-1-98; 8:45 am]

BILLING CODE 6353-01-P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the California Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the California Advisory Committee to the Commission will convene at 9:00 a.m. and adjourn at 1:00 p.m. on Saturday, July 25, 1998, at the Holiday Inn at Union Square, 480 Sutter Street, San Francisco, California 94108. The purpose of the meeting is to review the Orange County and Sonoma transcripts and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Philip Montez, Director of the Western Regional Office, 213-894-3437 (TDD 213-894-3435). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 23, 1998.

Carol-Lee Hurley,*Chief, Regional Programs Coordination Unit.*

[FR Doc. 98-17659 Filed 7-1-98; 8:45 am]

BILLING CODE 6335-01-P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Delaware Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Delaware Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 4:00 p.m. on July 23, 1998, at the Brandywine Suites Hotel-Kent Room, 707 King Street, Wilmington, Delaware 19801. The purpose of the meeting is to review the project proposal, "A Catalogue of Civil Rights Resources in Delaware's Public and Private Sectors," and take a vote. Planning will begin for fiscal year 1999, including proposals for new projects and meeting schedules.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Emily George Morris, 302-674-0839, or Ki-Taek Chun, Director of the Eastern Regional Office, 202-376-7533 (TDD 202-376-

8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 24, 1998.

Carol-Lee Hurley,*Chief, Regional Programs Coordination Unit.*

[FR Doc. 98-17658 Filed 7-1-98; 8:45 am]

BILLING CODE 6335-01-P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Kansas Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Kansas Advisory Committee to the Commission will convene at 10:00 a.m. and adjourn at 1:00 p.m. on July 24, 1998, at the Central Regional Office, 400 State Avenue, Suite 908, Kansas City, Kansas 66101. The purpose of the meeting is to discuss future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913-551-1400 (TDD 913-551-1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 23, 1998.

Carol-Lee Hurley,*Chief, Regional Programs Coordination Unit.*

[FR Doc. 98-17660 Filed 7-1-98; 8:45 am]

BILLING CODE 6335-01-P

DEPARTMENT OF COMMERCE**Foreign-Trade Zones Board**

[Order No. 983]

Grant of Authority; Establishment of a Foreign-Trade Zone Dothan, Alabama

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Dothan-Houston County Foreign Trade Zone, Inc. (the Grantee), an Alabama non-profit corporation, has made application to the Board (FTZ Docket 31-97, 62 FR 19545, 4-22-97), requesting the establishment of a foreign-trade zone at sites in the Dothan (Houston/Dale Counties), Alabama area, adjacent to the Panama City, Florida Customs port of entry;

Whereas, notice inviting public comment has been given in the **Federal Register**; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report and finds that the requirements of the Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing a foreign-trade zone, designated on the records of the Board as Foreign-Trade Zone No. 233, at the sites described in the application, subject to the Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 23rd day of June 1998.

Foreign-Trade Zones Board.

William M. Daley,

Secretary of Commerce, Chairman and Executive Officer.

Attest:

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 98-17688 Filed 7-1-98; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 33-98]

Foreign-Trade Zone 38 "Spartanburg, SC, Application for Subzone Status; Borg-Warner Automotive Powertrain Systems Corporation (Automotive Transfer Cases); Seneca, South Carolina

An application has been submitted to the Foreign-Trade Zones Board (the

Board) by the South Carolina State Ports Authority, grantee of FTZ 38, requesting special-purpose subzone status for the automotive transfer case manufacturing plant of Borg-Warner Automotive Powertrain Systems Corporation (BWA), located in Seneca, South Carolina. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on June 23, 1998.

The BWA plant (78 acres, 211,000 sq.ft.), is located at 15545 Wells Highway in Seneca (Oconee County), South Carolina, about 40 miles southwest of Greenville. The facility (175 employees) is used to produce transfer cases for all-wheel drive passenger vehicles manufactured at the Mercedes-Benz motor vehicle assembly plant in Alabama, as well as for export. The application indicates that foreign-sourced parts and materials comprise some 27 percent of the finished transfer cases' value, including: chain, fasteners, steel belts/cable/wire, crown corks and seals, parts of engines, ball/roller bearings, oil seals, rubber gaskets/washers/seals, electromagnetic couplings and clutches, gear boxes, and automatic regulating and controlling instruments (duty rates: free-9.4%).

FTZ procedures would exempt BWA from Customs duty payments on the foreign items used in production for export. On domestic shipments transferred in-bond to the Mercedes-Benz plant (Subzone 98A, Board Order 803, 61 FR 8237, 3-4-96), no duties would be paid on foreign-origin components of the transfer cases until Mercedes enters the finished motor vehicles for domestic consumption, at which time, Mercedes could choose to apply the finished auto duty rate (2.5%), rather than the rate on the individual parts. Mercedes would pay no duties on its exports. For finished transfer cases withdrawn for Customs entry, BWA would be able to choose the automotive transfer case duty rate (2.6%) for the foreign-origin items noted above. The application indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their

receipt is August 31, 1998. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 15, 1998.)

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce Export Assistance Center, Park Central Office Park, Building 1, Suite 109, 555 N. Pleasantburg Drive, Greenville, SC 29607.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th Street & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: June 23, 1998.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 98-17687 Filed 7-1-98; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062498C]

Mid-Atlantic Fishery Management Council; Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council will hold a closed meeting.

DATES: The meeting will be held on July 22-23, 1998, from 8:00 a.m. until 5:00 p.m.

ADDRESSES: This meeting will be held at the Wilmington Hilton, I-95 and Naamans Road, Claymont, DE; telephone: 302-792-2700.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904; telephone: 302-674-2331.

FOR FURTHER INFORMATION CONTACT: Christopher Moore, Ph.D., Acting Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302-674-2331, ext. 16.

SUPPLEMENTARY INFORMATION: The purpose of this closed meeting is to interview candidates and select an Executive Director for the Mid-Atlantic Fishery Management Council.

Although other issues not contained in this agenda may come before this

Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in the agenda listed in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council (see ADDRESSES) at least 5 days prior to the meeting date.

Dated: June 26, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service.
[FR Doc. 98-17669 Filed 7-1-98; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062498B]

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a meeting of its Scientific and Statistical Committee (SSC) to discuss and evaluate issues related to sea scallop management in the exclusive economic zone (EEZ).

Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will be held on July 15, 1998.

ADDRESSES: The meetings will be held at the Holiday Inn, One Newbury Street, Peabody, MA 01960; telephone: (978) 535-4600.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (781) 231-0422.

SUPPLEMENTARY INFORMATION: The SSC meeting is being convened to evaluate the scientific information used to develop management measures under consideration for inclusion in Amendment 7 to the Atlantic Sea Scallop Fishery Management Plan. In addition, the SSC will evaluate the

biological and statistical data used by the Council's Overfishing Definition Review Panel to define overfishing of the Atlantic sea scallop resource.

Although other issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see ADDRESSES) at least 5 days prior to the meeting date.

Dated: June 26, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98-17672 Filed 7-1-98; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Technical Information Service

NTIS Advisory Board Meeting

AGENCY: National Technical Information Service, Technology Administration, U.S. Department of Commerce.

ACTION: Notice of Partially Closed Meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the National Technical Information Service Advisory Board (the "Board") will meet on Wednesday, July 22, 1998, from 8:30 a.m. to 12:30 p.m., and from 1:30 p.m. to 4:00 p.m. The session from 8:30 a.m. to 12:30 p.m., will be closed to the Public.

The Board was established under the authority of 15 U.S.C. 3704b(c), and was Chartered on September 15, 1989. The Board is composed of five members appointed by the Secretary of Commerce who are eminent in such fields as information resources management, information technology, and library and information services. The purpose of the meeting is to review and make recommendations regarding general policies and operations of NTIS, including policies in connection with fees and charges for its services. The agenda will include a progress report on NTIS activities, an update on the progress of FedWorld, and a discussion of NTIS' long range plans. The closed

session discussion is scheduled to begin at 8:30 a.m. and end at 12:30 p.m. on July 22, 1998. The session will be closed because premature disclosure of the information to be discussed would be likely to significantly frustrate implementation of NTIS' business plans.

DATES: The meeting will convene on July 22, 1998, at 8:30 a.m. and adjourn at 4:00 p.m.

ADDRESSES: The meeting will be held in Room 2029 Sills Building, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

PUBLIC PARTICIPATION: The meeting will be open to public participation from 1:30 p.m. to 4:00 p.m. on July 22, 1998. Approximately thirty minutes will be set aside on July 22, 1998, for comments or questions from the public. Seats will be available for the public and for the media on a first-come, first-served basis. Any member of the public may submit written comments concerning the Board's affairs at any time. Copies of the minutes of the open session meeting will be available within thirty days of the meeting from the address given below.

FOR FURTHER INFORMATION CONTACT: Linda Lucas, NTIS Advisory Board Secretary, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 Telephone: (703) 605-6400; Fax (703) 487-4093.

Dated: July 2, 1998.

Donald W. Corrigan,

Acting Director.

[FR Doc. 98-17693 Filed 7-1-98; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Department of the Navy

Meetings of the Naval Research Advisory Committee

AGENCY: Department of the Navy, DOD.

ACTION: Closed meetings.

SUMMARY: The Naval Research Advisory Committee will meet to discuss basic and advanced research and technology. All sessions of the meetings will be devoted to briefings, discussions and technical examination of information related to technology opportunities and interoperability implications associated with information transfer and interaction among systems as well as between systems, especially among and between NATO and coalition forces; emerging technologies and technology-

enabled methodologies for training Naval personnel; and vulnerabilities and deficiencies of the Global Positioning System on Navy and Marine Corps platforms and weapons systems. All sessions of these meetings will be closed to the public.

DATES: The meetings will be held on Monday, July 13 through Friday, July 17, 1998 from 8:00 a.m. to 5:00 p.m.; and on Monday, July 20 through Friday, July 24, 1998 from 8:00 a.m. to 5:00 p.m.

ADDRESSES: The meetings will be held at the Space and Naval Warfare Systems Center San Diego, 53560 Hull Street, San Diego, California.

FOR FURTHER INFORMATION CONTACT: Diane Mason-Muir, Program Director, Naval Research Advisory Committee, 800 North Quincy Street, Arlington, VA 22217-5660, telephone number: (703) 696-6769.

SUPPLEMENTARY INFORMATION: This notice of meetings is provided in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2). All sessions of the meetings will be devoted to briefings and discussions involving technical examination of information related to technology opportunities and interoperability implications associated with information transfer and interaction among systems as well as between systems, especially among and between NATO and coalition forces; emerging technologies and technology-enabled methodologies for training Naval personnel; and vulnerabilities and deficiencies of the Global Positioning System on Navy and Marine Corps platforms and weapons systems. These briefings and discussions will contain classified information that is specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive Order. The classified and non-classified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meetings. In accordance with 5 U.S.C. App. 2, section 10(d), the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meetings be closed to the public because they will be concerned with matters listed in 5 U.S.C. section 552b(c)(1).

Dated: June 24, 1998.

Lou Rae Langevin,
LT, JAGC, USN, Alternate Federal Register Liaison Officer.

[FR Doc. 98-17663 Filed 7-1-98; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent to Grant Exclusive License; Unifinancial International, Inc.

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Unifinancial International, Inc. a revocable, nonassignable, exclusive license in the United States to practice these Government owned inventions in all fields of use except contaminated plastic waste abatement on commercial ocean-going vessels, as described in:

U.S. Patent Number 5,489,200 entitled *Compress/Melt Processor for Contaminated Plastic Waste*

U.S. Patent Number 5,411,697 entitled *Method for Processing Contaminated Plastic Waste*

U.S. Patent Number 5,488,278 entitled *Load Limit System for Mechanical Linear Actuator*

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than August 31, 1998.

ADDRESSES: Written objections are to be filed with the Carderock Division, Naval Surface Warfare Center, Code 004, 9500 MacArthur Blvd., West Bethesda, MD 20817-5700.

FOR FURTHER INFORMATION CONTACT: Mr. Dick Bloomquist, Director Technology Transfer, Carderock Division, Naval Surface Warfare Center, Code 0117, 9500 MacArthur Blvd., Bethesda, MD 20817-5700, telephone (301) 227-4229.

Dated: June 23, 1998.

Lou Rae Langevin,
LT, JAGC, USN, Alternate Federal Register Liaison Officer.

[FR Doc. 98-17661 Filed 7-1-98; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of Teleconference.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming teleconference of the Design and Methodology Committee of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this

meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

Date: July 24, 1998.

Time: 11:00 a.m.-1:00 p.m.

Location: National Assessment Governing Board, 800 North Capitol Street, N.W., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mary Ann Wilmer, Operations Officer, National Assessment Governing Board, Suite 825, 800 North Capitol Street, N.W., Washington, D.C., 20002-4233, Telephone: (202) 357-6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 412 of the National Education Statistics Act of 1994 (Title IV of the Improving America's Schools Act of 1994), (Pub. L. 103-382).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons. Under P.L. 205-78, the National Assessment Governing Board is also granted exclusive authority over developing Voluntary National Tests pursuant to contract number RJ97153001.

On July 24, in open session, 11:00 a.m. to 1:00 p.m., the Design and Methodology Committee will meet to review and approve the final pilot test design and sampling plan for the Voluntary National Tests in accordance with the prospective authority given to the Committee by the Board at its May meeting.

Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite 825, 800 North Capitol Street, N.W., Washington, D.C., from 8:30 a.m. to 5:00 p.m.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 98-17598 Filed 7-1-98; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of teleconference.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming teleconference of the Achievement Levels Committee of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

Date: July 22, 1998.

Time: 11:00 a.m.–1:00 p.m.

Location: National Assessment Governing Board, 800 North Capitol Street, N.W., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mary Ann Wilmer, Operations Officer, National Assessment Governing Board, Suite 825, 800 North Capitol Street, N.W., Washington, D.C., 20002-4233, Telephone: (202) 357-6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 412 of the National Education Statistics Act of 1994 (Title IV of the Improving America's Schools Act of 1994), (Pub. L. 103-382).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons. Under P.L. 105-78, the National Assessment Governing Board is also granted exclusive authority over developing Voluntary National Tests pursuant to contract number RJ97153001.

On July 22, in open session, 11:00 a.m. to 1:00 p.m., the Achievement Levels Committee will meet to consider the revised achievement levels descriptions for writing for the purpose of formulating a recommendation for action on this matter at the next quarterly meeting of the Board.

Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite 825, 800 North Capitol Street, N.W., Washington, D.C., from 8:30 a.m. to 5:00 p.m.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 98-17599 Filed 7-1-98; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford Site

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. No. 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford Site.

DATES: Thursday, August 6, 1998: 9:00 a.m.–5:00 p.m.; Friday, August 7, 1998: 8:30 a.m.–4:00 p.m.

ADDRESSES: Ridpath Hotel, W. 515 Sprague, Spokane, WA 99204-0367.

FOR FURTHER INFORMATION CONTACT: Gail McClure, Public Involvement Program Manager, Department of Energy Richland Operations Office, P.O. Box 550 (A7-75), Richland, WA, 99352; Ph: (509) 373-5647; Fax: (509) 376-1563.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: The Board will receive information on and discuss issues related to the Groundwater/Vadose Zone Project—overview, program objectives, schedule and regulatory perspectives; Tank Waste Remediation System (TWRS); TWRS Vitrification/Privatization—Report to Congress; Technical Issues; Compliance Issues; Contractual Issues; Intersite Discussion Workshops; and the Proposed SSAB Low-Level Waste Forum. The Board will also receive update on the Spent Fuel Tri-Party Agreement Negotiations (M-34).

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Gail McClure's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments near the beginning of the meeting.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Gail McClure, Department of Energy Richland Operations Office, P.O. Box 550, Richland, WA 99352, or by calling him at (509) 376-9628.

Issued at Washington, DC on June 28, 1998.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98-17676 Filed 7-1-98; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Office of Energy Research

Basic Energy Sciences Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is given of a meeting of the Basic Energy Sciences Advisory Committee (BESAC).

DATES: Wednesday, July 29, 1998—8:30 a.m.—5:00 p.m.; Thursday, July 30, 1998—8:30 a.m.—2:00 p.m.

ADDRESSES: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

FOR FURTHER INFORMATION CONTACT: Patricia Lake; Basic Energy Sciences Advisory Committee; U. S. Department of Energy; ER-10, GTN; 19901 Germantown Road; Germantown, MD 20874-1290; Telephone: (301) 903-5565.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: The Committee will provide advice and guidance with respect to the basic energy sciences research program.

Tentative Agenda: Agenda will include discussions of the following:

- Introduction to Basic Energy Sciences (BES) for the New Committee Members with Selected Highlights.
- Update on the Fiscal Year (FY) 1999 Budget.
- ER Strategic Simulation Initiative Update.
- BESAC High Flux Isotope Reactor (HFIR) Review Update.
- BESAC 4th Generation Light Source Panel Update.
- BESAC/Energy Research (ER) Roadmapping—Complexity.

- ER Roadmapping Activities—The Scientific User Facilities.
- Interagency Efforts on Scientific User Facilities.

Public Participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in her judgment, facilitate the orderly conduct of business. Any member of the public who wishes to make oral statements pertaining to agenda items should contact Patricia Lake at the address or telephone number listed above.

Requests must be received at least five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. Public comment will follow the 10 minute rule.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room; 1E-190, Forrestal Building; 1000 Independence Avenue, S.W.; Washington, D.C. 20585; between 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays.

Issued in Washington, D.C. on June 29, 1998.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98-17677 Filed 7-1-98; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Office of Energy Research

High Energy Physics Advisory Panel; Meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. No. 92-463, 86 Stat. 770), notice is given of a meeting of the High Energy Physics Advisory Panel.

DATES: Monday, August 24, 1998; 9:00 a.m. to 6:00 p.m.; and Tuesday, August 25, 1998; 8:30 a.m. to 3:30 p.m.

ADDRESSES: University of Wisconsin, Wisconsin Center Guest House (a.k.a. Lowell Hall), Room B1A, 610 Langdon Street, Madison, Wisconsin 53703.

FURTHER INFORMATION CONTACT: John Metzler; Executive Secretary, High Energy Physics Advisory Panel; U.S. Department of Energy; ER-20, Germantown, Maryland 20874; Telephone: (301) 903-2979.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative Agenda

Monday, August 24, 1998 and Tuesday, August 25, 1998:

Discussion of Department of Energy

High Energy Physics Programs

Discussion of National Science

Foundation Elementary Particle

Physics Program

Discussion of High Energy Physics

University Programs

Reports on and Discussion of the Use

of Computer Networks in High

Energy Physics

Reports on and Discussion of U.S.

Large Hadron Collider Activities

Reports on and Discussions of Topics

of General Interest in High Energy

Physics

Public Comment (10 minute rule)

Public Participation: The two-day meeting is open to the public. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to make oral statements pertaining to agenda items should contact the Executive Secretary at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on June 29, 1998.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98-17678 Filed 7-1-98; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES98-35-000]

Northwestern Corporation; Notice of Application

June 26, 1998.

Take notice that on June 11, 1998, Northwestern Corporation submitted an application under Section 204 of the Federal Power Act for authorization to issue (i) not more than 11,100,000 shares of its Common Stock, par value \$1.75 per share, including related Common Stock Purchase Rights; (ii) not

more than 500,000 shares of its Cumulative Preferred Stock, par value \$100 per share; (iii) not more than 500,000 shares of its Preferred Stock, par value \$50 per share; and (iv) not more than \$300 million of its mortgage bonds, notes, debentures, subordinated debentures, guarantees or other evidences of indebtedness.

Northwestern also requests an exemption from the Commission's competitive bidding and negotiated offer requirements of 18 CFR 34.2.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., 20426, according to the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before July 13, 1998. Protests will be considered by the commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-17573 Filed 7-1-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-628-000]

Sea Robin Pipeline Company; Notice of Application

June 26, 1998.

Take notice that on June 19, 1998, Sea Robin Pipeline Company (Sea Robin), Post Office Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP98-628-000, an application pursuant to Section 7(b) of the Natural Gas Act and Sections 157.5 through 157.13 and 157.18 of the Commission's Regulations, to abandon two compressor units and appurtenant facilities, one of which is located in Vermillion Parish, Louisiana, and the other located offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Sea Robin proposes to abandon: (1) one of three 10,830 horsepower reciprocating compressor units and appurtenant facilities at its Erath Compressor Station (Erath); and

(2) one of three 12,350 horsepower turbine engine compressor units and appurtenant facilities at its Vermillion 149 Compressor Station (Vermillion 149).

Sea Robin states that the remaining compressor units at Erath and Vermillion 149 will be sufficient to compress the quantities of gas available on its system, and that the proposed abandonment of the two units will have no effect on its firm obligations, nor will it result in any termination or deterioration of service to its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1998, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Sea Robin to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-17579 Filed 7-1-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-626-000]

Viking Gas Transmission Company; Notice of Request Under Blanket Authorization

June 26, 1998.

Take notice that on June 19, 1998, as supplemented on June 24, 1998, Viking Gas Transmission Company (Applicant), 825 Rice Street, Saint Paul, Minnesota 55117, filed in Docket No. CP98-626-000 a request pursuant to Section 157.205, 157.212 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for approval to replace facilities at an existing delivery point, located in Polk County, Wisconsin, to accommodate natural gas deliveries to Wisconsin Gas Company (Wisconsin Gas), under Applicant's blanket certificate issued in Docket Nos. CP82-414-000 and CP88-679-000, pursuant to Section 7(c) of the Natural Gas Act (NGA), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Applicant states that Wisconsin Gas has requested meter capacity up to 3,500 Mcf of natural gas per day at the dresser delivery point in Polk County, Wisconsin; therefore, Applicant proposes to add a three-inch positive displacement meter, data acquisition equipment, and associated piping to this delivery point. Applicant asserts that Wisconsin Gas has agreed to reimburse Applicant for these additional facilities. Applicant further asserts that it has sufficient capacity in its system to accomplish delivery of gas to the proposed delivery point without detriment or disadvantage to Applicant's other customers.

Any person or the Commission's Staff may, within 45 days of the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), a motion to intervene and pursuant to Section 157.205 of the regulations under the Natural Gas Act (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefor, the proposed activities shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-17580 Filed 7-1-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-625-000]

Viking Gas Transmission Company; Notice of Request Under Blanket Authorization

June 26, 1998.

Take notice that on June 19, 1998, Viking Gas Transmission Company (Viking), 825 Rice Street, St. Paul, Minnesota 55117, filed in Docket No. CP98-625-000 a request pursuant to §§ 157.205, and 157.212, of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to add a new delivery point to accommodate natural gas deliveries to Wisconsin Gas (Wisconsin) in Polk County, Wisconsin under Viking's blanket certificate issued in Docket No. CP88-679-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Viking states that Wisconsin has requested metering capacities to accommodate up to 3,600 Dth of gas per day at the Black Brook delivery point. Viking states that the new delivery point will not exceed contract quantities, and the changes proposed are not prohibited by Viking's tariff. They also state that they have sufficient capacity in its system to accomplish delivery of gas to the proposed delivery point without detriment or disadvantage to Viking's other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-17581 Filed 7-1-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-624-000]

Williston Basin Interstate Pipeline Company; Notice of Request Under Blanket Authorization

June 26, 1998.

Take notice that on June 19, 1998, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 300, 200 North Third Street, Bismarck, North Dakota 58501, filed a prior notice request with the Commission in Docket No. CP98-624-000 pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to construct and operate two master meter stations and appurtenant facilities in Yellowstone County, Montana, under Williston Basin's blanket certificate issued in Docket No. CP82-487-000, *et al.*, pursuant to Section 7 of the NGA, all as more fully set forth in the request which is open to the public for inspection.

Williston Basin proposes to construct and operate two new master meter stations and appurtenant facilities to provide natural gas service to Montana-Dakota Utilities Co. (Montana-Dakota). Williston Basin states that it would install two master meter stations at its current 48th Street West farm tap site. Williston Basin also states that one meter station would be known as the Danford master meter station, which would consist of a 2-inch tap on the Elk Basin-Billings mainline and approximately 400 feet of 3-inch diameter lateral pipeline from the proposed Danford master meter station to the new tap. Williston Basin further states that it would construct and operate a rotary meter, regulators, and miscellaneous piping, gauges, and valves at the 48th Street West farm tap site. Williston Basin estimates that it would construct the proposed master meter stations facilities at a cost of \$47,700 in order to deliver approximately 1,310 Mcf of natural gas per day via the proposed Danford master meter station and 595 Mcf of natural gas per day via the 48th Street West farm tap site master meter station to Montana-Dakota.

Williston Basin states that it provides natural gas transportation service to Montana-Dakota pursuant to Rate Schedules FT-1 and/or IT-1 of Williston Basin's FERC Gas Tariff.

Williston Basin further states that the addition of the proposed master meter stations facilities is not prohibited by its FERC Gas Tariff and that addition of the facilities would not have any adverse impact on a daily or annual basis upon Williston Basin's existing customers.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-17576 Filed 7-1-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98-991-001, *et al.*]

California Independent System Operator Corporation, *et al.*; Electric Rate and Corporate Regulation Filings

June 24, 1998.

Take notice that the following filings have been made with the Commission:

1. California Independent System Operator Corporation

[Docket No. ER98-991-001]

Take notice that on June 19, 1998, the California Independent System Operator Corporation (ISO) tendered for filing Amendment No. 1 to the Scheduling Coordinator Agreement between Power Resource Managers, L.L.C., and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1 modifies the Agreement, as directed by the Commission's order issued December 17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the

official service list in the above-referenced docket.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

2. California Independent System Operator Corporation

[Docket No. ER98-994-001]

Take notice that on June 19, 1998, the California Independent System Operator Corporation (ISO), tendered for filing Amendment No. 1 to the Scheduling Coordinator Agreement between Edison Source and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1 modifies the Agreement, as directed by the Commission, to comply with the Commission's order issued December 17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. California Independent System Operator Corporation

[Docket No. ER98-995-001]

Take notice that on June 19, 1998, the California Independent System Operator Corporation (ISO) tendered for filing Amendment No. 1 to the Scheduling Coordinator Agreement between Duke Energy Trading & Marketing, L.L.C. and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1 modifies the Agreement, as directed by the Commission, to comply with the Commission's order issued December 17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. California Independent System Operator Corporation

[Docket No. ER98-1000-001]

Take notice that on June 19, 1998, the California Independent System Operator Corporation (ISO) tendered for filing Amendment No. 1 to the Scheduling Coordinator Agreement between Northern California Power Agency and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1 modifies the Agreement, as directed by the

Commission, to comply with the Commission's order issued December 17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. California Independent System Operator Corporation

[Docket No. ER98-1001-001]

Take notice that on June 19, 1998, the California Independent System Operator Corporation (ISO), tendered for filing Amendment No. 1, to the Scheduling Coordinator Agreement between PacifiCorp, an Oregon Corporation and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1, modifies the Agreement, as directed by the Commission, to comply with the Commission's order issued December 17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. California Independent System Operator Corporation

[Docket No. ER98-1003-001]

Take notice that on June 19, 1998, the California Independent System Operator Corporation (ISO), tendered for filing Amendment No. 1, to the Scheduling Coordinator Agreement between PG&E Energy Services Corporation and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1, modifies the Agreement, as directed by the Commission, to comply with the Commission's order issued December 17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. California Independent System Operator Corporation

[Docket No. ER98-1006-001]

Take notice that on June 19, 1998, the California Independent System Operator Corporation (ISO), tendered for filing Amendment No. 1, to the Scheduling

Coordinator Agreement between Automated Power Exchange, Inc., and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1, modifies the Agreement, as directed by the Commission, to comply with the Commission's order issued December 17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. California Independent System Operator Corporation

[Docket No. ER98-1009-001]

Take notice that on June 19, 1998, the California Independent System Operator Corporation (ISO), tendered for filing Amendment No. 1, to the Scheduling Coordinator Agreement between Vitrol Gas & Electric, L.L.C., and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1, modifies the Agreement, as directed by the Commission, to comply with the Commission's order issued December 17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. California Independent System Operator Corporation

[Docket No. ER98-1012-001]

Take notice that on June 19, 1998, the California Independent System Operator Corporation (ISO), tendered for filing Amendment No. 1, to the Scheduling Coordinator Agreement between City of Seattle, City Light Department and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1, modifies the Agreement, as directed by the Commission, to comply with the Commission's order issued December 17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. California Independent System Operator Corporation

[Docket No. ER98-1013-001]

Take notice on June 19, 1998, the California Independent System Operator Corporation (ISO), tendered for filing Amendment No. 1, to the Scheduling Coordinator Agreement between Electric Clearinghouse, Inc., and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1, modifies the Agreement, as directed by the Commission, to comply with the Commission's order issued December 17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. California Independent System Operator Corporation

[Docket No. ER98-1016-001]

Take notice that on June 19, 1998, the California Independent System Operator Corporation (ISO), tendered for filing Amendment No. 1, to the Scheduling Coordinator Agreement between Enron Power Marketing, Inc., and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1, modifies the Agreement, as directed by the Commission, to comply with the Commission's order issued December 17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. California Independent System Operator Corporation

[Docket No. ER98-1018-001]

Take notice that on June 19, 1998, the California Independent System Operator Corporation (ISO), tendered for filing Amendment No. 1, to the Scheduling Coordinator Agreement between LG&E Energy Marketing, Inc., and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1 modifies the Agreement, as directed by the Commission, to comply with the Commission's order issued December 17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. California Independent System Operator Corporation

[Docket No. ER98-1020-001]

Take notice that on June 19, 1998, the California Independent System Operator Corporation (ISO), tendered for filing Amendment No. 1, to the Scheduling Coordinator Agreement between Arizona Public Service Company and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1, modifies the Agreement, as directed by the Commission, to comply with the Commission's order issued December 17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. California Independent System Operator Corporation

[Docket No. ER98-1021-001]

Take notice that on June 19, 1998, the California Independent System Operator Corporation (ISO), tendered for filing Amendment No. 1, to the Scheduling Coordinator Agreement between San Diego Gas & Electric Company and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1, modifies the Agreement, as directed by the Commission, to comply with the Commission's order issued December 17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. California Independent System Operator Corporation

[Docket No. ER98-1884-001]

Take notice that on June 19, 1998, the California Independent System Operator Corporation (ISO), tendered for filing Amendment No. 1, to the Scheduling Coordinator Agreement between Symmetry Device Research, Inc., and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1, modifies the Agreement, as directed by the Commission, to comply with the Commission's order issued December

17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. California Independent System Operator Corporation

[Docket No. ER98-1870-001]

Take notice that on June 19, 1998, the California Independent System Operator Corporation (ISO), tendered for filing Amendment No. 1, to the Scheduling Coordinator Agreement between Citizens Power Sales and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1, modifies the Agreement, as directed by the Commission, to comply with the Commission's order issued December 17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

17. Consolidated Edison Company of New York, Inc.

[Docket No. ER98-2720-000]

Take notice that on June 19, 1998, Consolidated Edison Company of New York, Inc. (CECONY), tendered for filing, pursuant to its FERC Electric Tariff Rate Schedule No. 2, a service agreement for Consolidated Edison Solutions, Inc., to purchase electric capacity and energy pursuant at negotiated rates, terms, and conditions.

CECONY states that a copy of this filing has been served by mail upon Consolidated Edison Solutions, Inc.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

18. The Washington Water Power Company

[Docket No. ER98-3183-000]

Take notice that on June 19, 1998, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission an amendment in the above docket by submitting an executed Service Agreement for Short-Term Firm and Non-Firm Point-To-Point Transmission Service under WWP's Open Access Transmission Tariff—FERC Electric Tariff, Volume No. 8 with PacifiCorp. WWP requests the Service Agreement be given an effective date of May 1, 1998.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

19. Cinergy Services, Inc.

[Docket No. ER98-3405-000]

Take notice that on June 18, 1998, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and NorAm Energy Services, Inc., (NorAm).

Cinergy and NorAm are requesting an effective date of May 20, 1998.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

20. Public Service Electric and Gas Company

[Docket No. ER98-3421-000]

Take notice that on June 19, 1998, Public Service Electric and Gas Company (PSE&G), of Newark, New Jersey tendered for filing an agreement for the sale of capacity and energy to Tenaska Power Services Co. (Tenaska), pursuant to the PSE&G Wholesale Power Market Based Sales Tariff, presently on file with the Commission.

PSE&G further requests waiver of the Commission's Regulations such that the agreement can be made effective as of May 22, 1998.

Copies of the filing have been served upon Tenaska and the New Jersey Board of Public Utilities.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

21. Public Service Electric and Gas Company

[Docket No. ER98-3422-000]

Take notice that on June 19, 1998, Public Service Electric and Gas Company (PSE&G) of Newark, New Jersey tendered for filing an agreement for the sale of capacity and energy to Duke/Louis Dreyfus, L.L.C. (Duke), pursuant to the PSE&G Wholesale Power Market Based Sales Tariff, presently on file with the Commission.

PSE&G further requests waiver of the Commission's Regulations such that the agreement can be made effective as of May 22, 1998.

Copies of the filing have been served upon Duke and the New Jersey Board of Public Utilities.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

22. Cinergy Services, Inc.

[Docket No. ER98-3423-000]

Take notice that on June 17, 1998, Cinergy Services, Inc. (Cinergy),

tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff), entered into between Cinergy and Amoco Energy Trading Corporation (Amoco).

Cinergy and Amoco are requesting an effective date of May 21, 1998.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

23. Jersey Central Power & Light Company, et al.

[Docket No. ER98-3424-000]

Take notice that on June 19, 1998, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (d/b/a GPU Energy), filed an executed Service Agreement between GPU Energy and Engage Energy US, L.P. (EEU), dated June 18, 1998. This Service Agreement specifies that EEU has agreed to the rates, terms and conditions of GPU Energy's Capacity, Energy and Capacity Credit Sales Tariff (Sales Tariff) designated as FERC Electric Tariff, Second Revised Volume No. 1. The Sales Tariff allows GPU Energy and EEU to enter into separately scheduled transactions under which GPU Energy will make available for sale, capacity, energy and capacity credits.

GPU Energy requests a waiver of the Commission's notice requirements for good cause shown and an effective date of June 18, 1998, for the Service Agreement.

GPU Energy has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

24. Puget Sound Energy, Inc.

[Docket No. ER98-3425-000]

Take notice that on June 19, 1998, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service (Firm Point-To-Point Service Agreement) and a Service Agreement for Non-Firm Point-To-Point Transmission Service (Non-Firm Point-To-Point Service Agreement) with NorAm Energy Services, Inc. (NES), as Transmission Customer.

A copy of the filing was served upon NES.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

25. Puget Sound Energy, Inc.

[Docket No. ER98-3426-000]

Take notice that on June 19, 1998, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service (Firm Point-To-Point Service Agreement) and a Service Agreement for Non-Firm Point-To-Point Transmission Service (Non-Firm Point-To-Point Service Agreement) with Duke Energy Trading and Marketing, L.L.C. (DETM), as Transmission Customer.

A copy of the filing was served upon DETM.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

26. Cinergy Services, Inc.

[Docket No. ER98-3427-000]

Take notice that on June 19, 1998, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff), entered into between Cinergy and Amoco Energy Trading Corporation (Amoco).

Cinergy and Amoco are requesting an effective date of May 21, 1998.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

27. Duquesne Light Company

[Docket No. ER98-3428-000]

Take notice that on June 19, 1998, Duquesne Light Company (DLC), filed a Service Agreement dated June 9, 1998, with Constellation Power Source under DLC's FERC Coordination Sales Tariff (Tariff). The Service Agreement adds Constellation Power Source as a customer under the Tariff. DLC requests an effective date of June 9, 1998, for the Service Agreement.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

28. Cinergy Services, Inc.

[Docket No. ER98-3429-000]

Take notice that on June 17, 1998, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Oglethorpe Power Corporation (OPC).

Cinergy and OPC are requesting an effective date of May 21, 1998.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

29. Cinergy Services, Inc.

[Docket No. ER98-3430-000]

Take notice that on June 19, 1998, Cinergy Services, Inc. (Cinergy), tendered for filing a Service Agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff), entered into between Cinergy and Oglethorpe Power Corporation (OPC).

Cinergy and OPC are requesting an effective date of May 21, 1998.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

30. Orange and Rockland Utilities, Inc.

[Docket No. ER98-3431-000]

Take notice that on June 19, 1998, Orange and Rockland Utilities, Inc. (O&R), tendered for filing pursuant to Part 35 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35, a service agreement under which O&R will provide capacity and/or energy to NGE Generation, Inc. (NGE Generation).

O&R requests waiver of the notice requirement so that the service agreement with NGE Generation becomes effective as of June 16, 1998.

O&R has served copies of the filing on The New York State Public Service Commission and NGE Generation.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

31. Rochester Gas and Electric Corporation

[Docket No. ER98-3432-000]

Take notice that on June 19, 1998, Rochester Gas and Electric Corporation (RG&E), filed a Service Agreement between RG&E and the Coral Power, L.L.C. (Customer). This Service Agreement specifies that the Customer has agreed to the rates, terms and conditions of the RG&E open access transmission tariff filed on July 9, 1996 in Docket No. OA96-141-000.

RG&E requests waiver of the Commission's sixty (60) day notice requirements and an effective date of June 11, 1998, for the Coral Power, L.L.C., Service Agreement. RG&E has served copies of the filing on the New York State Public Service Commission and on the Customer.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

32. JMF Power Marketing

[Docket No. ER98-3433-000]

Take notice that on June 19, 1998, JMF Power Marketing (JMF), petitioned the Commission for acceptance of JMF Rate Schedule FERC No. 1; the granting

of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission Regulations.

JMF intends to engage in wholesale electric power and energy purchases and sales as a marketer. JMF is not in the business of generating or transmitting electric power. JMF is a privately owned company, is not affiliated with any other entity and is engaged in electric and water resources energy consulting.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

33. Unitil Power Corp.

[Docket No. ER98-3434-000]

Take notice that on June 19, 1998, Unitil Power Corp. (UPC), tendered for filing a service agreement between UPC and PG&E Energy Trading-Power, L.P., for service under UPC's Market-Based Power Sales Tariff. This Tariff was accepted for filing by the Commission on September 25, 1997, in Docket No. ER97-2460-000. UPC requests an effective date of July 15, 1998, for the service agreement.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

34. Fitchburg Gas and Electric Light Company

[Docket No. ER98-3435-000]

Take notice that on June 19, 1998, Fitchburg Gas and Electric Light Company (Fitchburg), tendered for filing a service agreement between Fitchburg and PG&E Energy Trading-Power, L.P., for service under Fitchburg's Market-Based Power Sales Tariff. This Tariff was accepted for filing by the Commission on September 25, 1997, in Docket No. ER97-2463-000. Fitchburg requests an effective date of July 15, 1998.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

35. Entergy Services, Inc.

[Docket No. ER98-3436-000]

Take notice that on June 19, 1998, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for filing a Non-Firm Point-To-Point Transmission Service Agreement and a Short-Term Firm Transportation Agreement both between Entergy Services, Inc., as agent for the Entergy

Operating Companies, and NorAm Energy Services, Inc.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

36. FirstEnergy System

[Docket No. ER98-3437-000]

Take notice that on June 19, 1998, FirstEnergy System filed Service Agreements to provide Firm Point-to-Point Transmission Service for Coral Power, L.L.C., Dayton Power & Light Co., Duquesne Light Co., Koch Energy Trading, Inc., PacifiCorp Power Marketing, Inc., and Plum Street Energy Marketing, Inc., the Transmission Customers. Services are being provided under the FirstEnergy System Open Access Transmission Tariff submitted for filing by the Federal Energy Regulatory Commission in Docket No. ER97-412-000. The proposed effective date under these Service Agreements is June 1, 1998.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

37. Consolidated Edison Company of New York, Inc.

[Docket No. ER98-3438-000]

Take notice that on June 19, 1998, Consolidated Edison Company of New York, Inc. (CECONY), tendered for filing, pursuant to its FERC Electric Tariff Rate Schedule No. 2, a service agreement for Northeast Utilities Service Company to purchase electric capacity and energy pursuant at negotiated rates, terms, and conditions.

CECONY states that a copy of this filing has been served by mail upon Northeast Utilities Service Company.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

38. Entergy Services, Inc.

[Docket No. ER98-3440-000]

Take notice that on June 19, 1998, Entergy Services, Inc. (Entergy Services), on behalf of Gulf States Utilities Company tendered for filing a Letter Agreement between Entergy Services, Inc., and Sam Rayburn Municipal Power Agency (SRMPA). Entergy Services states that the Letter Agreement provides for the relocation of certain distribution facilities to accommodate an SRMPA terminal addition at an Entergy Services substation.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

39. Entergy Services, Inc.

[Docket No. ER98-3441-000]

Take notice that on June 19, 1998, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc. (Entergy Arkansas), submitted for filing the Second Amendment to the Agreement for Wholesale Power Service between Entergy Arkansas, Inc. and the City of Benton, Arkansas, dated March 1998.

Comment date: July 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

David P. Boergers,
Acting Secretary.

[FR Doc. 98-17625 Filed 7-1-98; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98-3083-000, et al.]

Minnesota Power & Light Company, et al.; Electric Rate and Corporate Regulation Filings

June 26, 1998.

Take notice that the following filings have been made with the Commission:

1. Minnesota Power & Light Company

[Docket No. ER98-3038-000]

Take notice that on May 18, 1998, Minnesota Power & Light Company filed a service agreement with Minnkota Power Cooperative in Docket No. ER98-3038-000. Take notice that on June 2, 1998, Minnesota Power & Light Company filed a request for withdrawal of the above-referenced Service Agreement.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

2. Mid-Continent Area Power Pool

[Docket No. ER98-3454-000]

Take notice that on June 22, 1998, the Mid-Continent Area Power Pool (MAPP), tendered for filing on behalf of its Members that are subject to Commission jurisdiction as public utilities under Section 201(e) of the Federal Power Act, Schedule R: Redispatch Service. Schedule R provides for redispatch of MAPP Member generating units on a regional basis as an alternative to curtailing firm transmission service on MAPP Member systems during emergency conditions.

Comment date: July 15, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. Central Illinois Light Company

[Docket No. ER98-3458-000]

Take notice that on June 23, 1998, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois 61202, tendered for filing a Coordination Sales Tariff Service Agreement with E Prime and Attachment B, a Index of Customers under its Coordination Sales Tariff, which was approved by Commission letter order issued on April 25, 1998, in Docket No. ER95-602-000.

CILCO requests a effective date of June 18, 1998.

Copies of the filing were served on the affected customer and the Illinois Commerce Commission.

Comment date: July 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. Southwest Power Pool

[Docket No. ER98-3459-000]

Take notice that on June 23, 1998, Southwest Power Pool (SPP), tendered for filing two executed service agreements for short-term firm point-to-point transmission service and non-firm point-to-point firm transmission service with Tennessee Valley Authority and PacifiCorp Power Marketing, Inc., under the SPP Open Access Transmission Tariff.

SPP states that the effective date of these agreements is June 1, 1998, and requests waiver of the Commission's notice requirements.

Copies of this filing were served upon each of the parties to these agreements.

Comment date: July 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. American Electric Power Service Corporation

[Docket No. ER98-3460-000]

Take notice that on June 23, 1998, the American Electric Power Service Corporation (AEPSC), as agent for the operating utility subsidiaries of American Electric Company, Inc., (AEP Companies), tendered for filing blanket service agreements executed by AEP Companies under the Wholesale Market Tariff of the AEP Operating Companies (Power Sales Tariff). The Power Sales Tariff was accepted for filing effective October 10, 1997, and has been designated AEP Operating Companies' FERC Electric Tariff Original Volume No. 5.

AEPSC respectfully requests waiver of notice to permit the service agreements to be made effective for service billed on and after June 1, 1998.

A copy of the filing was served upon the Parties and the State Utility Regulatory Commissions of Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia and West Virginia.

Comment date: July 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. Southern Company Services, Inc.

[Docket No. ER98-3461-000]

Take notice that on June 23, 1998, Southern Company Services, Inc. (SCS), acting as agent for Alabama Power Company (APCo), tendered for filing a Delivery Point Specification Sheet dated as of June 1, 1998, involving a rate schedule change other than a rate increase predicated solely upon the revision of delivery point specifications for service to Baldwin County Electric Membership Cooperative.

Comment date: July 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. Washington Water Power Company

[Docket No. ER98-3462-000]

Take notice that on June 23, 1998, Washington Water Power Company (WWP), tendered for filing pursuant to 18 CFR Section 35.13, an executed Service Agreement and a revised list of Purchasers under WWP's FERC Electric Tariff Original Volume No. 9, with Northern/AES Energy, L.L.C.

WWP requests waiver of the prior notice requirement and requests an effective date of June 22, 1998.

Comment date: July 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. Western Resources, Inc.

[Docket No. ER98-3463-000]

Take notice that on June 23, 1998, Western Resources, Inc., tendered for filing Service Agreements between Western Resources and Northern AES Energy, Southern Indiana Gas & Electric Co., Virginia Electric and Power Company, and Western Farmers Electric Cooperative. Western Resources states that the purpose of the agreements is to permit the customers to take service under Western Resources' Market-Based Power Sales Tariff under Western Resources' FERC Electric Tariff, Original Volume No. 6.

Western Resources requests waiver of the Commission's prior notice requirements and requests that the agreements become effective on June 22, 1998.

Copies of the filing were served upon Northern AES Energy, Southern Indiana Gas & Electric Co., Virginia Electric and Power Company, Western Farmers Electric Cooperative, and the Kansas Corporation Commission.

Comment date: July 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. Central Wayne Energy Recovery L.P.

[Docket No. QF95-220-002]

Take notice that on June 23, 1998, Central Wayne Energy Recovery, L.P. (Applicant), tendered for filing a supplement to its filing in this docket.

The supplement pertains to the ownership structure of the facility. No determination has been made that the submittal constitutes a complete filing.

Comment date: 15 days after publication of this notice in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

10. Colorado Springs Utilities

[Docket No. NJ97-9-002]

Take notice that on January 28, 1998, Colorado Springs Utilities (CSU), tendered for filing a revised open access Transmission Tariff, in accordance with Order No. 888-A and Order No. 888-B in Docket No. NJ97-9-001.

Comment date: July 26, 1998, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions

or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

David P. Boergers,
Acting Secretary.

[FR Doc. 98-17623 Filed 7-1-98; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG98-89-000, et al.]

North American Energy Services Company, et al.; Electric Rate and Corporate Regulation Filings

June 25, 1998.

Take notice that the following filings have been made with the Commission:

1. North American Energy Service Company

[Docket No. EG98-89-000]

Take notice that on June 17, 1998, North American Energy Services Company, a Washington corporation (Applicant), with its principal executive office at Issaquah, Washington, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations (the Application).

Applicant has entered into an agreement for operation and maintenance services with Generadora Electrica Del Norte, S.A., organized and existing pursuant to the laws of the Republic of Guatemala, to operate and maintain a 40-megawatt fuel oil-fired, electric generating plant located at or near Puerto Barrios, Guatemala (the Project). Project facilities also include a switching yard and substation owned and operated by Instituto Nacional de Electrificación, a Guatemalan utility.

Comment date: July 15, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Montaup Electric Company

[Docket No. ER96-1090-001]

Take notice that on June 8, 1998, Montaup Electric Company filed a compliance refund report.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. Aquila Power Corporation v. Entergy Services, Inc., as agent for Entergy Arkansas, Inc., et al.

[Docket No. EL98-36-000]

Take notice that on June 23, 1998, Aquila Power Corporation filed an Amended and Restated Complaint in this docket. Aquila Power Corporation's Amended and Restated Complaint provides further factual support (including descriptions of events that occurred after the filing of the original complaint) for its claims that Entergy has improperly denied Aquila transmission service in violation of Order No. 888.

Comment date: July 16, 1998, in accordance with Standard Paragraph E at the end of this notice. Answers to the Amended and Restated Complaint shall be due on or before July 16, 1998.

4. First Power, L.L.C.

[Docket No. ER97-3580-002]

Take notice that on May 18, 1998, First Power, L.L.C., tendered for filing a change in status compliance filing in the above-referenced docket.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. California Independent System Operator Corporation

[Docket No. ER98-1887-001]

Take notice that on June 22, 1998, the California Independent System Operator Corporation (ISO), tendered for filing Amendment No. 1, to the Scheduling Coordinator Agreement between the City of Riverside and the ISO for acceptance by the Commission. The ISO states that Amendment No. 1, modifies the Agreement, as directed by the Commission, to comply with the Commission's order issued December 17, 1997 in Pacific Gas and Electric Co., 81 FERC ¶ 61,320 (1997).

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. The Washington Water Power Company

[Docket No. ER98-3439-000]

Take notice that on June 22, 1998, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13(a)(2)(i) a revision to its Rate Schedule FERC No. 148.

WWP requests an effective date of June 22, 1998.

A copy of this filing has been served upon The Spokane Tribe of Indians, The United States Bureau of Reclamation, and the Washington Utilities and Transportation Commission.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. PECO Energy Company

[Docket No. ER98-3442-000]

Take notice that on June 22, 1998, PECO Energy Company (PECO), filed under Section 205 of the Federal Power Act, 16 U.S.C. S 792 *et seq.*, a Contract dated April 30, 1998, with the United States of America—Department of Energy, acting by and through the Southeastern Power Administration (Government).

PECO requests an effective date of April 30, 1998, for the Contract.

PECO states that copies of this filing have been supplied to Government and to the Pennsylvania Public Utility Commission.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. Wisconsin Electric Power Company

[Docket No. ER98-3443-000]

Take notice that on June 22, 1998, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing an electric service agreement under its Market Rate Sales Tariff (FERC Electric Tariff, Original Volume No. 8) with ConAgra Energy Services, Inc., (ConAgra). Wisconsin Electric respectfully requests an effective date of June 19, 1998, to allow for economic transactions.

Copies of the filing have been served on ConAgra, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. Virginia Electric and Power Company

[Docket No. ER98-3444-000]

Take notice that on June 22, 1998, Virginia Electric and Power Company

(Virginia Power), tendered for filing two amendments to its filing in this docket. Virginia Power requests an effective date of January 1, 1998, for the amendments.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. MidAmerican Energy Company

[Docket No. ER98-3445-000]

Take notice that on June 22, 1998, MidAmerican Energy Company (MidAmerican), 666 Grand Avenue, Des Moines, Iowa 50309, filed with the Commission a Firm Transmission Service Agreement with PacificCorp Power Marketing, Inc. (PacificCorp), dated June 12, 1998, and a Non-Firm Transmission Service Agreement with PacificCorp, dated June 12, 1998, entered into pursuant to MidAmerican's Open Access Transmission Tariff.

MidAmerican requests an effective date of June 12, 1998, for the Agreements with PacificCorp, and accordingly seeks a waiver of the Commission's notice requirement.

MidAmerican has served a copy of the filing on PacificCorp, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. PECO Energy Company

[Docket No. ER98-3446-000]

Take notice that on June 22, 1998, PECO Energy Company (PECO), tendered for filing under Section 205 of the Federal Power Act, 16 U.S.C. S 792 *et seq.*, a Amended and Restated Transaction Agreement dated June 30, 1997 with CL Power Sales Two, L.L.C. (CL Two), under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff).

PECO requests an effective date of June 1, 1998, for the Agreement.

PECO states that copies of this filing have been supplied to CL Two and to the Pennsylvania Public Utility Commission.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. The Washington Water Power Company

[Docket No. ER98-3447-000]

Take notice that on June 22, 1998, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission executed Service Agreements for Short-Term Firm and Non-Firm Point-To-Point Transmission Service under WWP's Open Access Transmission

Tariff—FERC Electric Tariff, Volume No. 8, with Idaho Power Company, Amoco Energy Trading Corporation, and Public Utility District No. 1 of Chelan County.

WWP requests the Service Agreements be given respective effective dates of May 26, 1998, June 4, 1998, and June 11, 1998.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. South Carolina Electric & Gas Company

[Docket No. ER98-3448-000]

Take notice that on June 22, 1998, South Carolina Electric & Gas Company (SCE&G), submitted a service agreement establishing SCANA Energy Marketing, Inc. (SEMI), as a customer under the terms of SCE&G's Open Access Transmission Tariff.

SCE&G requests an effective date of one day subsequent to the filing of the service agreement. Accordingly, SCE&G requests waiver of the Commission's notice requirements.

Copies of this filing were served upon SEMI and the South Carolina Public Service Commission.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. South Carolina Electric & Gas Company

[Docket No. ER98-3449-000]

Take notice that on June 22, 1998, South Carolina Electric & Gas Company (SCE&G), submitted service agreements establishing ConAgra Energy Services, Inc. (CESI), and Federal Energy Sales, Inc. (FESI), as customers under the terms of SCE&G's Open Access Transmission Tariff.

SCE&G requests an effective date of one day subsequent to the filing of the service agreements. Accordingly, SCE&G requests waiver of the Commission's notice requirements.

Copies of this filing were served upon CESI, FESI, and the South Carolina Public Service Commission.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. Alliant Service, Inc.

[Docket No. ER98-3450-000]

Take notice that on June 22, 1998, Alliant Services, Inc., (Alliant), on behalf of IES Utilities Inc., Interstate Power Company (IPC), and Wisconsin Power & Light Company (WPL), tendered for filing executed Service Agreements for Firm and Non-Firm Point-to-Point Transmission Service,

establishing PacifiCorp Power Marketing, Inc., as a customer under the rates, terms and conditions of Alliant's transmission tariff.

Alliant, requests an effective date of June 15, 1998, and accordingly, seeks waiver of the Commission's notice requirements.

A copy of this filing has been served upon the Illinois Commerce Commission, the Minnesota Public Utilities Commission, the Iowa Department of Commerce, and the Public Service Commission of Wisconsin.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. American Premier Energy Corp.

[Docket No. ER98-3451-000]

Take notice that on June 22, 1998, American Premier Energy Corp. (APE), petition the Commission for acceptance of APE Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission Regulations.

APE intends to engage in wholesale electric power and energy purchases and sales as a marketer. APE is not in the business of generating or transmitting electric power.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

17. Virginia Electric and Power Company

[Docket No. ER98-3452-000]

Take notice that on June 22, 1998, Virginia Electric and Power Company (Virginia Power), tendered for filing Service Agreements for Firm Point-to-Point Transmission Service with (i) The Energy Authority, Inc., (ii) NorAm Energy Services, Inc., (iii) Energy Transfer Group LLC, (iv) Merchant Energy Group of the Americas, Inc. (MEGA), and (v) Avista Energy, Inc. (collectively, the Transmission Customers), under the Open Access Transmission Tariff to Eligible Purchasers dated July 14, 1997. Under the Service Agreements, Virginia Power will provide firm point-to-point service to the Transmission Customers under the rates, terms and conditions of the Open Access Transmission Tariff.

Copies of the filing were served upon the Transmission Customers, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

18. PP&L, Inc.

[Docket No. ER98-3453-000]

Take notice that on June 22, 1998, PP&L, Inc. (PP&L), tendered for filing an application to amend its Market-Based Rates Tariff, FERC Electric Tariff Original Volume No. 5, to (1) allow PP&L to sell, assign or transfer transmission rights and associated ancillary services; (2) change the name of the tariff to Market-Based Rates and Resale of Transmission Rights Tariff; (3) delete all references in the Form of Service Agreement to PP&L's Open Access Transmission Tariff and (4) reflect the name change from Pennsylvania Power & Light Company to PP&L, Inc.

PP&L requests waiver of Commission Regulations to permit the tariff amendment to become effective on June 26, 1998.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

19. Mid-Continent Area Power Pool

[Docket No. ER98-3454-000]

Take notice that on June 22, 1998, the Mid-Continent Area Power Pool (MAPP), tendered for filing on behalf of its Members that are subject to Commission jurisdiction as public utilities under Section 201(e) of the Federal Power Act, Schedule R: Redispatch Service. Schedule R provides for redispatch of MAPP Member generating units on a regional basis as an alternative to curtailing firm transmission service on MAPP Member systems during emergency conditions.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

20. Wisconsin Electric Power Company

[Docket No. ER98-3455-000]

Take notice that on June 22, 1998, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing an electric service agreement under its Market Rate Sales Tariff (FERC Electric Tariff, Original Volume No. 8) with Allegheny Power Service Corporation (Allegheny).

Wisconsin Electric respectfully requests an effective date of June 18, 1998, to allow for economic transactions between the parties.

Copies of the filing have been served on Allegheny, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

21. Houston Lighting & Power Company

[Docket No. ER98-3456-000]

Take notice that on June 22, 1998, Houston Lighting & Power Company (HL&P), tendered for filing (1) an executed Transmission Service Agreement (TSA) with Tex-La Electric Cooperative of Texas, Inc., for Short-Term Firm Transmission Service under HL&P's FERC Electric Tariff, Third Revised Volume No. 1, for Transmission Service To, From and Over Certain HVDC Interconnections, and Notice of Cancellation to be effective January 1, 1999. HL&P has requested an effective date for the TSA of August 1, 1998.

Copies of the filing were served on Tex-La and the Public Utility Commission of Texas.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

22. PJM Interconnection, L.L.C.

[Docket No. ER98-3457-000]

Take notice that on June 22, 1998, PJM Interconnection, L.L.C., filed proposed revisions to the Reliability Assurance Agreement Among Load Serving Entities in the PJM Control Area that would (1) modify the methodology for determining the capacity obligations of the parties, (2) clarify the responsibilities of the parties, the Office of the Interconnection and the PJM Board, (3) clarify and adjust the cost responsibilities of the parties, (4) modify the Agreement to provide incentives for the owners of generating resources who are not parties to the Agreement and (5) simplify, clarify or correct a number of other provisions.

Copies have been served on the Regulatory Commissions of Delaware, the District of Columbia, Maryland, New Jersey, Pennsylvania and Virginia and on the parties to the Reliability Assurance Agreement.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98-17622 Filed 7-1-98; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. EG98-87-000, et al.]

Sunlaw Cogeneration Partners I, et al.; Electric Rate and Corporate Regulation Filings

June 23, 1998.

Take notice that the following filings have been made with the Commission:

1. Sunlaw Cogeneration Partners I

[Docket No. EG98-87-000]

Take notice that on June 12, 1998, Sunlaw Cogeneration Partners I (Sunlaw), filed with the Federal Energy Regulatory Commission (Commission), an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Sunlaw states that it is a limited partnership organized and existing under the laws of the State of California. Sunlaw indicates that it is engaged directly and exclusively in the business of owning and operating all or part of two cogeneration facilities located in the City of Vernon, California and selling electric energy at wholesale.

Comment date: July 10, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Potomac Electric Power Company, PP&L, Inc., GPU Energy, Delmarva Power & Light Company, Atlantic City Electric Company, Public Service Electric and Gas Company, PECO Energy Company and GPU Energy, et al.

[Docket Nos. ER98-1568-000, ER98-1569-000, ER98-1570-000, ER98-1608-000, ER98-1609-000, ER98-1621-002, ER98-2011-000, and ER97-3189-013]

Take notice that on June 15, 1998, Public Service Electric and Gas Company submitted a compliance filing in the above-captioned proceeding.

Comment date: July 7, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. Ogden Haverhill Associates

[Docket No. ER98-3156-000]

Take notice that on June 1, 1998, Ogden Haverhill Associates tendered for filing an amendment in the above-referenced docket.

Comment date: July 7, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. Consolidated Edison Company of New York, Inc.

[Docket No. ER98-3386-000]

Take notice that on June 17, 1998, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide non-firm transmission service pursuant to its Open Access Transmission Tariff with Central Hudson Gas & Electric Corporation (CH).

Con Edison states that a copy of this filing has been served by mail upon CH.

Comment date: July 7, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. Wisconsin Electric Power Company

[Docket No. ER98-3387-000]

Take notice that on June 17, 1998, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing unexecuted electric service agreement under its Market Rate Sales Tariff (FERC Electric Tariff, Original Volume No. 8) with Northern States Power Company (NSP), Engage Energy US, L.P. (Engage), Morgan Stanley Capital Group Inc., (Morgan Stanley) and Tenaska Power Services Company (Tenaska). Wisconsin Electric respectfully requests an effective date of May 20, 1998, to allow for economic transactions.

Copies of the filing have been served on NSP, Engage, Morgan Stanley, Tenaska, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: July 7, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. NGE Generation, Inc.

[Docket No. ER98-3388-000]

Take notice that NGE Generation, Inc. (NGE Gen) on June 17, 1998, tendered for filing pursuant to Part 35 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35, a service agreement (the Service Agreement) under which NGE Gen may provide capacity and/or energy to Cinergy Capital & Trading, Inc. (Cinergy), in accordance with NGE Gen's FERC Electric Tariff, Original Volume No. 1.

NGE Gen has requested waiver of the notice requirements so that the service

agreement with Cinergy becomes effective as of June 18, 1998.

NGE Gen has served copies of the filing upon the New York State Public Service Commission and Cinergy.

Comment date: July 7, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. Southern Indiana Gas and Electric Company

[Docket No. ER98-3389-000]

Take notice that on June 17, 1998, Southern Indiana Gas and Electric Company (SIGECO), tendered for filing one (1) service agreement for market based rate power sales under its Market Based Rate Tariff with Noram Energy Services, Inc.

Copies of the filing were served upon each of the parties to the service agreement.

Comment date: July 7, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. Union Electric Company

[Docket No. ER98-3390-000]

Take notice that on June 17, 1998, Union Electric Company (UE), tendered for filing Service Agreements for Market Based Rate Power Sales between UE and Avista Energy, Inc., Central and South West Services, Inc., Koch Power Services, Inc., Northern Indiana Public Service Company and PECO Energy Company. UE asserts that the purpose of the Agreements is to permit UE to make sales of capacity and energy at market based rates to the parties pursuant to UE's Market Based Rate Power Sales Tariff filed in Docket No. ER97-3664-000.

Comment date: July 7, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. South Carolina Electric & Gas Company

[Docket No. ER98-3391-000]

Take notice that on June 17, 1998, South Carolina Electric & Gas Company (SCE&G), submitted service agreements establishing DTE Energy Trading, Inc. (DTE), Constellation Power Service, Inc. (CPSI), and VTEC Energy, Inc. (VTEC), as customers under the terms of SCE&G's Negotiated Market Sales Tariff.

SCE&G requests an effective date of one day subsequent to the filing of the service agreements. Accordingly, SCE&G requests waiver of the Commission's notice requirements.

Copies of this filing were served upon DTE, CPSI, VTEC, and the South Carolina Public Service Commission.

Comment date: July 7, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Black Hills Corporation

[Docket No. ER98-3403-000]

Take notice that Black Hills Corporation, which operates its electric utility business under the assumed name of Black Hills Power and Light Company (Black Hills), tendered for filing on June 18, 1998, an executed Form Service Agreement with MEAN-NMPP Energy.

Copies of the filing were provided to the Regulatory Commission of each of the States Montana, South Dakota, and Wyoming.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. Cinergy Services, Inc.

[Docket No. ER98-3404-000]

Take notice that on June 16, 1998, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Dayton Power and Light (DP&L).

Cinergy and DP&L are requesting an effective date of June 4, 1998.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. New York State Electric & Gas Corporation

[Docket No. ER98-3406-000]

Take notice that on July 8, 1998, New York State Electric & Gas Corporation (NYSEG), tendered for filing pursuant to Section 205 of the Federal Power Act and Section 35.13 of the Federal Energy Regulatory Commission's (FERC or Commission) Regulations, a request for modification of its loss percentage for FERC Rate Schedule 110 for service to NYPA for the benefit of its Expansion Power Program, Rate Schedule 179 for service to NYPA for its Economic Development Power Program, and Rate Schedules 67, 70, and 80 for service to NYPA for numerous municipal agencies within NYSEG's service territory.

NYSEG requests the modification of the loss percentage to be effective retroactively to March 1, 1998, for Rate Schedule 179, and for Rate Schedule 110, NYSEG requests the modification of the loss percentage to be effective as of the date in March 1998 on which the customer's meter was read. For Rate Schedules 67, 70, and 80, NYSEG requests the modification of the loss percentage to be effective on July 1, 1998. NYSEG has served copies of the filing on the parties on the official service lists of the subject rate schedules.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. South Carolina Electric & Gas Company

[Docket No. ER98-3408-000]

Take notice that on July 8, 1998, South Carolina Electric & Gas Company (SCE&G), submitted a service agreement establishing NP Energy, Inc. (NPEI), as a customer under the terms of SCE&G's Negotiated Market Sales Tariff.

SCE&G requests an effective date of one day subsequent to the filing of the service agreement. Accordingly, SCE&G requests waiver of the Commission's notice requirements.

Copies of this filing were served upon NPEI and the South Carolina Public Service Commission.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. UtiliCorp United Inc.

[Docket No. ER98-3409-000]

Take notice that on June 18, 1998, UtiliCorp United Inc. (UtiliCorp), filed service agreements with Tractebel Energy Marketing, Inc., for service under its Short-Term Firm Point-to-Point Open Access Service Tariff for its operating divisions, Missouri Public Service, WestPlains Energy-Kansas and WestPlains Energy-Colorado.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. UtiliCorp United Inc.

[Docket No. ER98-3410-000]

Take notice that on June 18, 1998, UtiliCorp United Inc. (UtiliCorp), filed service agreements with Coral Power, L.L.C., for service under its Non-Firm Point-to-Point open access service tariff for its operating divisions, Missouri Public Service, WestPlains Energy-Kansas and WestPlains Energy-Colorado.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. UtiliCorp United Inc.

[Docket No. ER98-3411-000]

Take notice that on June 18, 1998, UtiliCorp United Inc. (UtiliCorp), filed service agreements with Tractebel Energy Marketing, Inc., for service under its Non-Firm Point-to-Point open access service tariff for its operating divisions, Missouri Public Service, WestPlains Energy-Kansas and WestPlains Energy-Colorado.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

17. UtiliCorp United Inc.

[Docket No. ER98-3412-000]

Take notice that on June 18, 1998, UtiliCorp United Inc. (UtiliCorp), filed service agreements with Coral Power, L.L.C., for service under its Short-Term Firm Point-to-Point open access service tariff for its operating divisions, Missouri Public Service, WestPlains Energy-Kansas and WestPlains Energy-Colorado.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

18. Western Resources, Inc.

[Docket No. ER98-3413-000]

Take notice that on June 18, 1998, Western Resources, Inc., (Western Resources), tendered for filing Service Agreements between Western Resources and Aquila Power Corporation, Coral Power L.L.C., MidAmerican Energy Inc., and Sonat Power Marketing L.P. Western Resources states that the purpose of the agreements is to permit the customers to take service under Western Resources' market-based power sales tariff on file with the Commission. The agreements are proposed to become effective May 21, 1998, May 21, 1998, May 19, 1998, and May 19, 1998, respectively.

Copies of the filing were served upon Aquila Power Corporation, Coral Power L.L.C., MidAmerican Energy Inc., Sonat Power Marketing L.P., and the Kansas Corporation Commission.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

19. Western Resources, Inc.

[Docket No. ER98-3414-000]

Take notice that on June 18, 1998, Western Resources, Inc., tendered for filing Service Agreements between Western Resources and Illinova Power Marketing, Inc., North American Energy Conservation, Inc., The Power Company of America. Western Resources states that the purpose of the agreements is to permit the customers to take service under Western Resources' market-based power sales tariff on file with the Commission. The agreements are proposed to become effective June 17, 1998.

Copies of the filing were served upon Illinova Power Marketing, Inc., North American Energy Conservation, Inc., The Power Company of America, and the Kansas Corporation Commission.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

20. Commonwealth Edison Company

[Docket No. ER98-3415-000]

Take notice that on June 18, 1998, Commonwealth Edison Company (ComEd), submitted for filing submits for filing two Service Agreements establishing PP&L, Inc. (PP&L) and Tractebel Energy Marketing Inc. (TEMI), as non-firm transmission customers under the terms of ComEd's Open Access Transmission Tariff (OATT).

ComEd requests an effective date of June 18, 1998, for the service agreements, and accordingly seeks waiver of the Commission's notice requirements.

Copies of this filing were served on PP&L and TEMI, and the Illinois Commerce Commission.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

21. Duke Energy Oakland LLC

[Docket No. ER98-3416-000]

Take notice that on June 18, 1998, Duke Energy Oakland LLC (Oakland), tendered for filing an application for an order accepting its FERC Electric Rate Schedule No. 3, to be effective as soon as possible. Oakland intends to sell certain ancillary services at market-based rates under its Rate Schedule No. 3.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

22. Duke Energy Morro Bay LLC

[Docket No. ER98-3417-000]

Take notice that on June 18, 1998, Duke Energy Morro Bay LLC (Morro Bay), tendered for filing an application for an order accepting its FERC Electric Rate Schedule No. 2, to be effective on the date its acquisition of the Morro Bay Facility, a generation facility in California, closes or as soon thereafter as possible. Morro Bay intends to sell certain ancillary services at market-based rates under its Rate Schedule No. 2.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

23. Duke Energy Moss Landing LLC

[Docket No. ER98-3418-000]

Take notice that on June 18, 1998, Duke Energy Moss Landing LLC (Moss Landing), tendered for filing an application for an order accepting its FERC Electric Rate Schedule No. 3, to be effective as soon as possible. Moss Landing intends to sell certain ancillary services at market-based rates under its Rate Schedule No. 3.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

24. Cinergy Services, Inc.

[Docket No. ER98-3419-000]

Take notice that on June 18, 1998, Cinergy Services, Inc., (Cinergy), tendered for filing an Interchange Agreement among the Cinergy Operating Companies and Enserch Energy Services, Inc., in the above-referenced docket. The Interchange Agreement provides for voluntary sales transactions between the parties.

Copies of the filing have been served upon Enserch Energy Services, Inc., the Texas Public Utility Commission, the Kentucky Public Service Commission, the Public Utility Commission of Ohio, and the Indiana Utility Regulatory Commission.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

25. American Electric Power Service Corporation

[Docket No. ER98-3420-000]

Take notice that on June 18, 1998, the American Electric Power Service Corporation (AEPSC), tendered for filing service agreements under the Wholesale Market Tariff of the AEP Operating Companies (Power Sales Tariff). The Power Sales Tariff was accepted for filing effective October 10, 1997 and has been designated AEP Operating Companies' FERC Electric Tariff Original Volume No. 5. AEPSC respectfully requests waiver of notice to permit the service agreements submitted with this filing to be made effective for service billed on or after May 20, 1998.

A copy of the filing was served upon the Parties and the State Utility Regulatory Commissions of Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia and West Virginia.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98-17626 Filed 7-1-98; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Major License Application

June 26, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Major Original License.

b. *Project No.:* 11508-001.

c. *Date filed:* March 27, 1998.

d. *Applicant:* Alaska Power & Telephone Company.

e. *Name of Project:* Wolf Lake Hydroelectric Project.

f. *Location:* On the east side of Prince of Wales Island, along Wolf Creek, near Hollis, Alaska.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Robert S. Grimm, President, Alaska Power & Telephone Company, P.O. Box 3222, 191 Otto Street, Port Townsend, WA 98368, (360) 385-1733.

i. *FERC Contact:* Carl J. Keller, (202) 219-2831.

j. *Status of Environmental Analysis:*

This application is not ready for environmental analysis at this time—see attached paragraph E1.

k. *Deadline for Protests and Motions to Intervene:* Sixty days after issuance of this notice.

l. *Brief Description of the Project:* The proposed project would consist of the following features: (1) A screened intake structure 50 feet long by 3 feet high with a 20-foot-wide spillway; (2) a 3.5-acre storage impoundment at elevation 1,088 feet mean sea level; (3) a 6,000-foot-long, 22-inch-diameter steel and high-density polyethylene chloride penstock; (4) a 30- by 40-foot-long prefabricated metal powerhouse along the right bank of Wolf Creek, having a single horizontal twin-jet Pelton turbine with an installed capacity of 2.2 megawatts; (5) a 150-foot-long, 10-foot-wide, by 6-foot-deep tailrace channel; (6) a 12.5-kilovolt, 2.3-mile-long overhead transmission line on wooden poles; (7) a 50-foot-wide by 2.3-mile-long

transmission line right-of-way, including an access road; and (8) other appurtenances.

The proposed run-of-river project would use natural flows from the 100-acre Wolf Lake and ponds just below the lake to generate 2.2 MW of power to serve various communities on Prince of Wales Island. Water diverted to generate power for this project would bypass about 6,000 feet of Wolf Creek. The project would operate continuously to meet a large portion of the spring, summer, and fall load demand.

m. This notice also consists of the following standard paragraph: B1, and E1.

n. *Available Locations of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, N.E., Room 2A, Washington, DC 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at the address shown in item h. above.

B. *Comments, Protests, or Motions to Intervene—*Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

E1. *Filing and Service of Responsive Documents—*The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the

application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC. 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-17574 Filed 7-1-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1218]

Georgia Power Company; Notice of Availability of Draft Application and Preliminary Draft Environmental Assessment (DEA)

June 26, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Major New License.

b. *Project No.:* 1218.

c. *Applicant:* Georgia Power Company.

d. *Name of Project:* Flint River Hydroelectric Project.

e. *Location:* Flint River near the City of Albany, in Lee and Dougherty Counties.

f. *Applicant Contact:* Mr. Mike Phillips, Georgia Power Company, Bin 10151, 241 Ralph McGill Boulevard, NE, Atlanta, GA 30308-3374.

g. *FERC Contact:* Allan E. Creamer, (202) 219-0365.

h. Georgia Power Company mailed a copy of the Draft License Application and Preliminary DEA on all entities on June 22, 1998. The Commission received a copy of the Draft License Application and Preliminary DEA on June 23, 1998. Copies of these documents, as well as the resource study reports previously distributed for review and comment, are available for review at Georgia Power Company's

Plant Mitchell Office, 5200 Radium Springs Road, Albany, GA 31705.

i. As discussed in the Commission's March 6, 1996, letter to all parties, with this notice we are soliciting preliminary terms, conditions, and recommendations on the Draft License Application and Preliminary DEA.

j. All comments on the Draft License Application and Preliminary DEA should be sent to the address noted above in Item (f), with one copy filed with the Commission at the following address: Allan E. Creamer, Federal Energy Regulatory Commission, Office of Hydropower Licensing, Mailstop HL-11.3, 888 First Street, NE, Washington, DC 20426.

All comments must include the project name and number, and bear the heading "Preliminary Comments," "Preliminary Recommendations," "Preliminary Terms and Conditions," or "Preliminary Prescriptions." Any part interested in commenting must do so on or before Monday, August 24, 1998.

Linwood A. Watson, Jr.

Acting Secretary.

[FR Doc. 98-17578 Filed 7-1-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP97-315-000 et al., CP97-319-000 and CP98-200-000]

Independence Pipeline Company, ANR Pipeline Company and National Fuel Gas Supply Company; Notice of Additional Scoping Meeting and Site Visit

June 26, 1998.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will be conducting an additional scoping meeting for the proposed Independence Pipeline Project in Wooster, Ohio (Wayne County) on Wednesday, July 29, 1998. Note the meeting location and time below.

Location: Wooster High School, PAC Auditorium, 515 Oldman Road, Wooster, Ohio 44691, (330) 345-4000.

Time: 3:00 p.m. to 9:00 p.m.

This meeting is being held to (1) allow those individuals who signed up but did not get an opportunity to speak on the record in Canton, Ohio on April 21, 1998, a new opportunity to provide oral comments, and (2) afford an opportunity for those individuals in Wayne County

who could not attend the April 21, 1998 meeting an opportunity to present oral or written comments at this meeting. In order to accommodate the maximum number of speakers, the scoping meeting will be an "Open House" forum from 3:00 p.m. until 9:00 p.m. Those who signed up at the April 21, 1998 meeting but did not get an opportunity to speak will be given priority to speak as they arrive during the six hour meeting. Comments will be received from 3:00 p.m. through 5:00 p.m. and 6:00 p.m. through 8:00 p.m., with question and answer periods between 5:00 p.m. and 6:00 p.m.; and 8:00 p.m. through 9:00 p.m. As in past meetings, and to encourage more participation, commentors will be limited to five minutes each. Transcripts of the meeting will be placed in the environmental record for the above-referenced project.

The staff is particularly interested in learning about issues not already addressed at the April 21, 1998 meeting and request that comments be limited to new issues not previously presented. To allow more time to hear new comments, those individuals who presented oral comments on April 21, 1998 are requested not to speak again at the Wooster meeting. If anyone who spoke at the Canton, Ohio scoping meeting wishes to supplement their previous comments, you are invited to do so in writing by filing the supplemental comments with the Secretary of the Commission.

Provide two copies of your letter to: David Boergers, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426.

Please label one copy for the attention of the Environmental Review and Compliance Branch, PR-11.1.

In addition, Commission staff will be conducting a limited site visit and/or a helicopter flyover of the project area. Anyone interested in participating in the site visit may contact the Commission's Office of External Affairs at (202) 208-1088. Participants must provide their own transportation.

Additional information about the proposed project is available from Paul McKee in the Commission's Office of External Affairs at (202) 208-1088.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-17577 Filed 7-1-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No. 1962-000, CA]

**Pacific Gas & Electric Company;
Notice of Public Meeting to Discuss
Processing Alternatives for the
Application for Relicensing of the Rock
Creek-Cresta Hydroelectric Project**

June 26, 1998.

Take notice that the Commission staff will hold a meeting with Pacific Gas & Electric Company (PG&E), the applicant for the Rock Creek-Cresta Hydroelectric Project No. 1962, the U.S. Forest Service, and representatives of the intervenors in the relicensing proceeding for the project. The project is located on the North Fork Feather River in Plumas County, California. The meeting will be held on Tuesday, July 14, 1998, from 10:00 a.m. to 4:00 p.m. at the U.S. Fish and Wildlife Service's offices at 3310 El Camino Street, Suite 130, in Sacramento, California.

The purpose of the meeting is to discuss alternatives for processing the application for relicensing of the Rock Creek-Cresta Project. All interested persons are invited to attend the meeting.

For further information, please contact Dianne Rodman at (202) 219-2830.

Linwood A. Watson, Jr.,*Acting Secretary.*

[FR Doc. 98-17575 Filed 7-1-98; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6119-3]

**Agency Information Collection
Activities: Submission for OMB
Review; Comment Request; National
Emissions Standards for Hazardous
Air Pollutants for Petroleum Refineries****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) reinstatement has been forwarded to the Office of Management and Budget (OMB) for review and approval: National Emissions Standards for Hazardous Air Pollutants for Petroleum Refineries (OMB Control Number 2060-0340),

which expired July 31, 1996. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 3, 1998.

FOR FURTHER INFORMATION CONTACT:

Sandy Farmer at EPA by phone at (202) 260-2740, by email at farmer.sandy@epamail.epa.gov, or download off the Internet at <http://www.epa.gov/icr> and refer to EPA ICR No. 1692.03.

SUPPLEMENTARY INFORMATION: Title:

National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries (OMB Control No. 2060-0340; EPA ICR No. 1692.03) expired 7/31/96. This is a request for a reinstatement of a collection for which approval has expired.

Abstract: On August 18, 1995, EPA promulgated a regulation under section 112 of the Clean Air Act (Act) for petroleum refineries that emit Hazardous Air Pollutants (HAP). This regulation was published in 60 FR 43244, August 18, 1995, and is codified at 40 CFR part 63, subpart CC.

The information being requested includes a one-time report of start of construction, anticipated and actual start-up dates, and physical or operational changes to existing facilities; notification of compliance status reports; periodic reports; and event triggered (e.g., notification of installation of a new control device or reconstruction of an existing control device, notification of an intent to perform a performance test) reports. The periodic reports provide information on monitored control device parameters when they are outside of established ranges and on instances where inspections revealed problems. Records (e.g., parameter monitoring data, records of annual storage vessel inspections) are required to be maintained on-site for a minimum of 5 years.

Effective enforcement of the standards is necessary due to the hazardous nature of benzene (a known human carcinogen) and the other HAP's emitted from petroleum refineries. The required records and reports are necessary: (1) to enable EPA to identify new and existing sources subject to the standards, and (2) to assist EPA and State agencies to which enforcement has been delegated in determining compliance with the standards. The EPA uses the reports to identify facilities that may not be in compliance with the standards. Based on reported information, EPA can decide which facilities should be inspected and what records or specific

emission sources should be inspected at each facility. The required records also provide an indication as to whether facility personnel are operating and maintaining control equipment properly.

In order to retain effective enforcement (section 114 of the Act) of the petroleum refinery NESHAP (section 112 of the Act) response to this information collection is mandatory.

The ICR reinstatement does not include any burden for third-party or public disclosures not previously reviewed and approved by OMB. Any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40 Chapter 1, part 2, subpart B—Confidentiality of Business Information (see 40 CFR part 2; 40 FR 36902, September 1, 1976; amended by 43 FR 39999, September 28, 1978; 43 FR 42251, September 28, 1978, 44 FR 17674, March 23, 1979).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on March 10, 1998 (63 FR 11675); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1,494 hours per respondent. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners and operators of petroleum refineries.

Estimated Number of Respondents: 165.

Frequency of Response: semi-annually.

Estimated Total Annual Hour Burden: 493,136 hours.

Estimated Total Annualized Cost Burden: \$570,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1692.03 and OMB Control No. 2060-0340 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460; and
Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: June 25, 1998.

Joseph Retzer,

Director, Regulatory Information Division.
[FR Doc. 98-17686 Filed 7-1-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-5493-4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared June 15, 1998 Through June 19, 1998 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1998 (63 FR 17856).

Draft EISs

ERP No. D-FHW-E50291-AL Rating EC2, uscaloosa East Bypass Project (DPI-0080(001), Construction from I-59/I-20 east Tuscaloosa and Newport to US-82 near west of Newport, Funding, NPDESs Permit, COE Section 10 and 404 Permits, Tuscaloosa County, AL.

Summary: EPA's review found that wetlands and especially upland hardwood forests would be impacted by the project. Information on resource mitigation was lacking.

ERP No. D-FHW-G40148-AR Rating EC2, S-71 Transportation Improvements, from south of Bella Vista to Pineville, Benton County, AR and McDonald County, MI.

Summary: EPA expressed environmental concerns regarding impact associated with stream crossings, floodplains and other cumulative/secondary water quality impacts. EPA requested that these and other issues be fully discussed in the final EIS.

ERP No. D-FHW-G40149-NM Rating EC2, US 84/285 Highway Transportation Improvements from Alamo Drive in Santa Fe to Viarrial Street in Pojoaque, Right-of-Way Acquisition, NPDES Permit and COE Section 404 Permit, Santa Fe County, NM.

Summary: EPA expressed environmental concern regarding noise, hazardous materials and other transportation impact. EPA requested that these and other issues be fully discussed in the final EIS.

Final EISs

ERP No. F-AFS-L82016-ID Sandpoint Noxious Weed Control Project, Implementation, Proposing to control noxious weeds on 46 sites, Idaho Panhandles National Forests, Sandpoint Ranger District, Bonner County, ID.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F-FRC-L05219-WA Sullivan Creek Hydroelectric (FERC No. 2225) Project, An Application for Amendment of License, Public Utility District No. 1, Sullivan Creek, Pend Oreille County, WA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

Dated: June 29, 1998.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 98-17691 Filed 7-1-98; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-5493-3]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 OR (202) 564-7153.

Weekly receipt of Environmental Impact Statements Filed June 22, 1998

Through June 26, 1998 Pursuant to 40 CFR 1506.9.

EIS No. 980246, Final EIS, AFS, VT, Sugarbush Ski Resort Project, Improvements and Development, Special-Use-Permit, Green Mountain National Forest, Rochester Range District, Fayston and Warren, Washington County, VT, Due: August 03, 1998, Contact: Bob Bayer (802) 362-2307.

EIS No. 980247, Draft EIS, AFS, SD, Veteran/Boulder Area Project, Enhancement of Vegetative Diversity, Improve Forest Health and to Improve Wildlife Habitats, Implementation, Black Hills National Forest, Spearfish and Nemo Ranger District, Lawrence and Meade Counties, SD, Due: August 17, 1998, Contact: Patricia Seay (605) 642-4622.

EIS No. 980248, Final EIS, FHW, TX, Grand Parkway Segment (TX-99) Volume IV, Segment 1-2, Improvement Project from TX-225 to I-10 (East), Funding, COE Section 404 Permit and Right-of-Way Grant, Harris and Chamber Counties, TX, Due: August 03, 1998, Contact: Ms. Julie Lane (512) 416-2612.

EIS No. 980249, Final EIS, FTA, CA, Mission Valley East Corridor Transit Improvement Project, between I-15 in Mission Valley and the East County community of La Mesa, Funding, COE Section 404 Permit, Metropolitan Transit Development Board (MTDB) and Light Rail Transit (LRT), San Diego County, CA, Due: August 03, 1998, Contact: Hymie Luden (415) 744-3115.

EIS No. 980250, Final EIS, FTA, FL, ADOPTION—Miami Intermodal Center (MIC), Construction, Bounded by FL-112 on the north, FL-836 on the south, Miami International Airport landside terminal NW 27th Avenue on the east, along FL-836 that extends West to NW 57th Avenue, Dade County, FL, Contact: Elizabeth Martin (404) 562-3509.

The US Department of Transportation's Federal Transit Administration's has adopted the US Department of Transportation's Federal Highway Administration FEIS #980086 filed on 03-17-98. FTA was a cooperating agency for the above final EIS. Recirculation of the document is not necessary under Section 1506.3(c) of the Council on Environmental Quality Regulations.

EIS No. 980251, Final EIS, AFS, CO, Lakewood Raw Water Pipeline for Continued Operation, Maintenance, Reconstruction and/or Replacement, Application for Easement, Roosevelt National Forest, Boulder Ranger

District, in the City of Boulder, CO, Due: August 03, 1998, Contact: Jean A. Thomas (970) 498-1267.

EIS No. 980252, Final EIS, DOE, ID, WY, ID, Lower Valley Transmission Project, Construction of a New 115 kV Transmission Line from Swan Valley Substation near Swan Valley, Special-Use-Permits, Bonneville and Teton Counties, ID and Teton County, WY, Due: August 03, 1998, Contact: Nancy Wittpenn (503) 230-3297.

EIS No. 980253, Draft Supplement, COE, IL, Chicago Area Confined Disposal Facility, Updated Information on Construction and Operation, Maintenance Dredging from Chicago River/Harbor, Calumet River and Harbor, Cook County, IL, Due: August 17, 1998, Contact: Keith Ryder (312) 353-6400.

EIS No. 980254, Draft EIS, FHW, RI, Western Johnston and Cranston, Improved Highway Access to the Environmental Management District, Funding and COE Section 404 Permit, Providence County, RI, Due: August 17, 1998, Contact: Daniel J. Berman (401) 528-4541.

Amended Notices

EIS No. 980233, Draft EIS, COE, FL, Jacksonville Harbor Navigation Channel Deepening Improvements, Construction, St. Johns River, Duval County, FL, Due: August 03, 1998, Contact: Kenneth Dugger (904) 232-1686. Published FR—06-19-98—Correction to Telephone Number for Contact Person.

EIS No. 980238, Final EIS, BLM, AZ, Cyprus Miami Mining Leach Facility Expansion Project, Construction and Operation, Plan of Operations Approval and COE Section 404 Permit, Gila County, AZ, Due: July 27, 1998, Contact: Ms. Shela McFarlin (602) 417-9568. Published FR—06-26-98—Correction to Title.

Dated: June 29, 1998.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 98-17692 Filed 7-1-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6119-8]

Proposed Administrative Penalty Assessment and Opportunity to Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed assessment of Clean Water Act class I

administrative penalties and opportunity to comment.

SUMMARY: EPA is providing notice of a proposed administrative penalty for alleged violations of the Clean Water Act. EPA is also providing notice of opportunity to comment on the proposed penalty.

EPA is authorized under section 309(g) of the Act, 33 U.S.C. 1319(g), to assess a civil penalty after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. Under section 309(g), any person who discharges a pollutant to a navigable water in excess of its NPDES limits, as those terms are defined in section 502 of the Act, 33 U.S.C. 1362, may be assessed a penalty of up to \$27,500 by EPA. Class I proceedings under section 309(g) are conducted in accordance with Subpart I of the proposed "Consolidated Rules of Practice Governing The Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits," ("proposed part 22"), which has been published in the **Federal Register** at 63 FR 9480 (February 25, 1998).

EPA is providing public notice of the following proposed Class I penalty proceeding initiated by the Water Division, U.S. EPA, Region 9, 75 Hawthorne St., San Francisco, CA 94105:

In the Matter of Chevron U.S.A. Production Company, California; Docket No. CWA-IX-FY98-12, filed June 22, 1998; proposed penalty, \$9,000, for exceeding permitted limits during discharge into the Pacific Ocean on May 16, 1997 from Platform Hidalgo operated by Chevron U.S.A. Production Company, 646 County Square Drive, Ventura, California 93003.

The procedures by which the public may comment on a proposed Class I penalty or participate in a Class I penalty proceeding are set forth in proposed part 22. The deadline for submitting public comment on a proposed Class I penalty is thirty days after issuance of public notice. The Regional Administrator of EPA, Region 9 may issue an order upon default if the respondent in the proceeding fails to file a response within the time period specified in proposed part 22.

FOR FURTHER INFORMATION CONTACT:

Persons wishing to receive a copy of proposed part 22, review the complaint

or other documents filed in these proceedings, comment upon the proposed penalty, or participate in any hearing that may be held, should contact Danielle Carr, Regional Hearing Clerk, U.S. EPA, Region 9, 75 Hawthorne St., San Francisco, CA 94105, (415) 744-1391. Documents filed as part of the public record in these proceedings are available for inspection during business hours at the office of the Regional Hearing Clerk.

In order to provide opportunity for public comment, EPA will not take final action in this proceeding prior to thirty days after issuance of this document.

Dated: June 22, 1998.

Alexis Strauss,

Acting Director,

Water Division.

[FR Doc. 98-17685 Filed 7-1-98; 8:45 am]

BILLING CODE 6560-50-U

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

June 24, 1998.

TIME AND DATE: 9:30 a.m., Thursday, July 9, 1998.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission shall consider and act upon the following:

1. *Secretary of Labor v. Lafarge Construction Materials*, Docket Nos. LAKE 95-114-RM, etc. (Issues include whether the judge correctly determined that (a) Lafarge committed a violation of 30 C.F.R. § 56.16002(a)(1), (b) the violation was the result of Lafarge's unwarrantable failure, and (c) a foreman is personally liable under section 110(c) of the Mine Act.

Any person attending the meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 C.F.R. § 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFOR: Jean Ellen, (202) 653-5629/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

Jean H., Ellen,

Chief Docket Clerk.

[FR Doc. 98-17736 Filed 6-29-98; 4:11 pm]

BILLING CODE 6735-01-M

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD**Sunshine Act Meeting**

TIME AND DATE: 10:00 a.m. (EDT) July 13, 1998.

PLACE: 4th Floor, Conference Room 4506, 1250 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the June 8, 1998, Board member meeting.
2. Thrift Savings Plan activity report by the Executive Director.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs, (202) 942-1640.

Dated: June 30, 1998.

Roger W. Mehle,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 98-17832 Filed 6-30-98; 3:28 pm]

BILLING CODE 6760-01-M

GENERAL SERVICES ADMINISTRATION**President's Commission on the Celebration of Women in American History**

AGENCY: General Services Administration.

ACTION: Meeting notice.

SUMMARY: Notice is hereby given that the President's Commission on the Celebration of Women in American History (Commission) will hold an open meeting from 2:00 p.m. to 4:00 p.m. on Thursday, July 16, 1998 at the Ontario Courthouse, Judge Henry Court Room, 27 North Main Street, Canandaigua, NY 14424. Under 41 CFR 101-6.1015(b)(2), less than 15 days notice of the meeting is provided due to delays in organizing the Commission and the intent to coordinate the first Commission meeting with the celebration in Seneca Falls, NY of the 150th anniversary of the first women's rights convention.

Background

Executive Order 13090 signed by President Clinton on June 29, 1998, established the Commission. The Commission's mission is to make recommendations to the President by March 1, 1999, on ways to best acknowledge and celebrate the roles and accomplishments of women in American history.

Purpose

The meeting is for organizational purposes and will include introduction

of Commission members, an overview of the Executive Order, and a discussion of the Commission's mandate.

FOR FURTHER INFORMATION CONTACT:

Martha Davis (202) 501-0705, Assistant to the Associate Administrator for Communications, General Services Administration.

Dated: June 30, 1998.

Joseph R. Rodriguez,

Acting GSA Committee Management Officer.

[FR Doc. 98-17825 Filed 6-30-98; 3:56 pm]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**Administration on Aging**

[Program Announcement No. AoA-98-7]

Fiscal Year 1998 Program Announcement; Availability of Funds and Notice Regarding Applications

AGENCY: Administration on Aging, HHS.

ACTION: Announcement of availability of funds and request for applications to carry out the functions of a National Eldercare Locator.

SUMMARY: The Administration on Aging (AoA) announces that under this program announcement it will hold a competition for a cooperative agreement award for a National Eldercare Locator. The deadline date for the submission of applications is August 26, 1998. Public and/or nonprofit agencies, organizations, and institutions are eligible to apply under this program announcement. To be considered for funding, however, applicants must demonstrate a proven track record of experience in conducting national hotlines and dealing with the network of State and Area Agencies on Aging and State and Area Information and Referral Services. Coalitions of organizations are encouraged.

Application kits are available by writing to the Department of Health and Human Services, Administration on Aging, Office of State and Community Programs, 330 Independence Avenue, SW, Room 4747, Washington, DC 20201, telephone: (202) 619-0011 or (202) 619-3955.

Dated: June 26, 1998.

Jeanette C. Takamura,

Assistant Secretary for Aging.

[FR Doc. 98-17572 Filed 7-1-98; 8:45 am]

BILLING CODE 4150-40-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention**

[INFO-98-22]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639-7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

1. Gonococcal Isolate Surveillance Project (GISP) (0920-0307)—Extension—The Division of STD Prevention, National Center for HIV, STD and TB Prevention (NCHSTP) is requesting a 3-year extension of OMB clearance to continue the Gonococcal Isolate Surveillance Project (GISP). The objectives of GISP are: (1) To monitor trends in antimicrobial susceptibility of strains of *Neisseria gonorrhoeae* in the United States; and (2) to characterize resistant isolates. GISP provides critical surveillance for antimicrobial resistance, allowing for informed treatment recommendations. GISP was begun in 1986 as a voluntary surveillance project and now involves 5 regional laboratories and 26 publicly funded sexually transmitted disease clinics around the country. The STD clinics submit up to 25 gonococcal

isolates per month to the regional laboratories, which measure susceptibility to a panel of antibiotics. Limited demographic and clinical information corresponding to the isolates are submitted directly by the clinics to CDC.

During 1986–1997, GISP has demonstrated the ability to effectively

achieve its objectives. The recent emergence of resistance to fluoroquinolones, commonly used therapies for gonorrhea, has been identified through GISP and makes ongoing surveillance critical. Data gathered through GISP are used to alert the public health community to changes

in antimicrobial resistance in *N. gonorrhoeae* which may impact treatment choices, and to guide recommendations made in CDC's STD Treatment Guidelines, which are published every several years. There is no cost to the respondents.

Respondent	No. of respondents	No. of responses/respondents	Avg. burden (in hrs.)	Total burden (in hrs.)
Laboratory	5	1056	1	5312
Clinic	26	204	0.166	8846
Total				6196

2. Tuberculosis Statistics and Program Evaluation Activity, Contact Follow-up (CDC 72.16) and Completion of Preventive Therapy (CDC 72.21)—(0920–0026)—Extension—The National Center for HIV, STD and TB Prevention (NCHSTP)—Tuberculosis (TB) is transmitted when contagious TB patients aerosolize *Mycobacterium tuberculosis* and susceptible persons (i.e., “contacts”) are exposed. Some contacts are especially endangered by TB if they become infected—children

younger than 5 years old, and anyone with an illness that weakens the immune system (e.g., the acquired immunodeficiency syndrome, AIDS). The prompt evaluation of all contacts is crucial for finding early TB cases and latent infections. For latent TB infections, treatment with isoniazid preventive therapy can prevent new TB cases from developing. Evaluation, follow-up, and preventive therapy for contacts comprise the most efficient approach for finding and treating recent

TB infections and preventing future cases. Therefore, it is one of the highest priorities for the national TB control strategy, second only to finding and treating contagious cases. The local and the state TB control programs and CDC use Contact Follow-up (CDC 72.16) and Completion of Preventive Therapy (CDC 72.21) to measure progress in achieving the national goals for performance in these areas. There is no cost to the respondents.

Report	No. of respondents	No. of responses/respondent (in hrs.)	Avg. burden/response (in hrs.)	Total burden (in hrs.)
Contact Follow-up (1996),	103	2	.5	103
Completion of Preventive Therapy (1995)	103	2	1	206
Total				309

Dated: June 26, 1998.

Charles W. Gollmar,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–17594 Filed 7–1–98; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Availability of Funds Program Announcement 98077, Programs To Prevent the Emergence and Spread of Antimicrobial Resistance in Food Animals

A. Purpose

The Centers for Disease Control and Prevention (CDC) is implementing a multifaceted effort to address the problem of antimicrobial resistance. As

part of this, CDC, in collaboration with the Food and Drug Administration Center for Veterinary Medicine, announces the availability of fiscal year (FY) 1998 funds for a cooperative agreement program to provide assistance for the development and evaluation of demonstration projects to prevent and control the emergence and spread of antimicrobial resistance in food animals. CDC is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Immunization and Infectious Diseases (For ordering a copy of Healthy People 2000, see the section Where to Obtain Additional Information).

The purpose of this program is to develop, implement, and evaluate a prudent antimicrobial use project to reduce the emergence, prevalence, and

spread of antimicrobial resistance among target pathogens in food animals.

The intention of this project is to develop and evaluate a “prudent use of antimicrobial agents” program in certain food animal groups. It is hoped that this project would serve as a model towards the long-term goal of development of a national campaign for prudent antimicrobial use in food animals, and that additional resources towards achieving this goal would be provided by veterinary and animal industry organizations.

Applicants should address the problem of antimicrobial resistance through interventions potentially including, but not limited to:

1. Promoting more judicious antimicrobial use (e.g., using antimicrobial agents only when needed, using appropriate doses of antimicrobial agents),
2. Reducing transmission of antimicrobial resistant microorganisms

among food animals through good management practices,

3. Preventing colonization and infection of animals by pathogens through the use of probiotics,

4. Improving the ability to provide effective narrow spectrum therapy by rapidly and accurately diagnosing resistant microorganisms through the use of improved laboratory testing procedures and improved quality and flow of laboratory data.

It is envisioned that funded projects will use a combination of approaches to achieve judicious antimicrobial use and other changes that will result in decreased appearance and spread of resistance. Funded projects will also be expected to conduct a multifaceted evaluation of many aspects of the program, including assessing the costs and any cost-savings associated with any proposed intervention.

B. Eligible Applicants

Applications may be submitted by public and private, nonprofit organizations and governments and their agencies in the United States. Thus, universities, colleges, research institutions, hospitals, other public and private non profit organizations, including State and local governments or their bona fide agents, federally recognized Indian tribal governments, Indian tribes or Indian tribal organizations, and small, minority- and/or women-owned businesses are eligible to apply. Only one eligible application from an organization/government/agency will be accepted. Applicants from each organization/government/agency are encouraged to coordinate and combine their efforts prior to submitting their application.

Note: Public Law 104-65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible to receive Federal funds constituting an award, grant, contract, loan, or any other form.

C. Availability of Funds

Approximately \$120,000 is available in FY 1998 to fund one or two awards. These resources will be provided to support demonstration projects in food animals (e.g. swine, poultry, beef cattle, dairy cattle). It is expected that the average annual award for projects will be range from \$40,000 up to \$70,000 and will be made for a 12-month budget period within a project period of up to 3 years. Funding estimates may change. It is expected that awards will begin on or about September 30, 1998. Continuation awards within an approved project period will be made

on the basis of satisfactory progress and availability of funds.

Use of Funds

Restrictions on Lobbying. Applicants should be aware of restrictions on the use of HHS funds for lobbying of Federal or State legislative bodies. Under the provisions of 31 U.S.C. Section 1352 (which has been in effect since December 23, 1989), recipients (and their subtier contractors) are prohibited from using appropriated Federal funds (other than profits from a Federal contract) for lobbying Congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement, or loan. This includes grants/cooperative agreements that, in whole or in part, involve conferences for which Federal funds cannot be used directly or indirectly to encourage participants to lobby or to instruct participants on how to lobby.

In addition, the FY 1998 Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act (Public Law 105-78) states in Section 503 (a) and (b) that no part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself. No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for the activities under A, below, and CDC shall be responsible for conducting activities under B, below.

A. Recipient Activities

Recipients are responsible for the following:

1. Develop study protocol to include utilizing the selected food animal (e.g., beef cattle, dairy cattle, swine, poultry); defining foodborne pathogens of interest (e.g., *Salmonella*, *Campylobacter*), and describing the partnerships (e.g., including a veterinary diagnostic

laboratory, veterinary professional associations, and animal commodity groups).

2. Providing a descriptive analysis of the selected study population.

3. Defining, collecting, and analyzing baseline data, so that evaluation of the interventions can be done. This includes at a minimum collecting prevalence data on antimicrobial resistance among the target pathogens and measuring antimicrobial agent usage pattern before the intervention.

4. Designing and implementing an intervention promoting judicious antimicrobial use and other approaches to reducing antimicrobial resistance: It is anticipated that this will involve developing coalitions among veterinary professional societies, producers, commodity groups, and others, as well as implementing specific strategies. These strategies may include peer-education of veterinarians, producers, formulary guidelines, prescribing restrictions, and strategies which are likely to reduce transmission of pathogens. The choice of strategies should be justified based on the nature of the study population, and the infrastructure in which the study population receives veterinary care.

5. Measuring the effects of the intervention:

a. Measuring the change in rates of antimicrobial resistance of organisms over time. Organisms whose resistance can be measured could include: human foodborne pathogens, animal pathogens, organisms that are opportunistic human pathogens (e.g., *Enterococcus*), normal animal fecal flora.

b. Measurement of antimicrobial resistance should be accomplished by a laboratory with proven ability to perform measurements using a standard approved methodology, yielding a quantitative measure of resistance, such as mean inhibitory concentration or zone size.

c. As decreases in resistance as a result of the program may take several months to years to manifest themselves, recipients are responsible for measuring outcomes related to how well the interventions have been implemented.

d. Measuring cost implications of the intervention. This should include impact of the intervention on direct costs (e.g., costs of antibiotics, veterinary care visits, duration of illness, etc.) and indirect costs (e.g., lost productivity, decreased feed efficiency, etc.). Costs of the intervention program must be differentiated from those of the evaluation.

e. Consideration should be given to parallel measurements in a non-

intervention group of animals, to better define the impact of the intervention.

6. Dissemination of research findings: Disseminating research results by appropriate methods such as publication in journals, presentation at meetings, conferences, etc.

B. CDC Activities

CDC, in collaboration with Food and Drug Administration Center for Veterinary Medicine, will provide technical assistance in the design and conduct of the research. This includes: (1) providing technical assistance in the design and conduct of the project, including intervention methods and analytic approach; (2) performing selected laboratory tests as appropriate; (3) assisting in data management, the analysis of research data, and the interpretation and dissemination of research findings, as appropriate; (4) assisting in the design of the evaluation and in the identification of outcome measures that will allow for later analysis of economic benefits.

E. Application Content

All applicants must develop their application in accordance with the Form PHS-398 (revised 5/95), information contained in this cooperative agreement announcement, and the instructions outlined below. In order to ensure an objective, impartial, and prompt review, applications which do not conform to these instructions may be disqualified.

General Instructions

1. All pages must be clearly numbered.
2. A complete index to the application and its appendixes must be included.
3. The original and two copies of the application must be submitted unstapled and unbound. Bound materials (e.g., pamphlets, booklets, etc.) will not be accepted in the narrative or appendixes. To submit such materials, copy them onto 8½" × 11" white paper, one-side only.
4. All materials must be typewritten, single spaced, and in unrounded type (no smaller than font size 12) on 8½" by 11" white paper, with at least 1" margins, headers, and footers.
5. All pages must be printed on one side only.

Specific Instructions

The application narrative must not exceed 15 pages (excluding budget and appendixes). Unless indicated otherwise, all information requested below must appear in the narrative. Materials or information that should be part of the narrative will not be accepted

if placed in the appendixes. The application narrative must contain the following sections in the order presented below.

1. *Abstract*: Provide a brief (two pages maximum) abstract of the project.

2. *Background and Need*: Discuss the background and need for the proposed project. Illustrate and justify the need for the proposed project that is consistent with the purpose and objectives of this cooperative agreement program.

3. *Capacity and Personnel*: Describe applicant's past experience in conducting projects/studies similar to that being proposed. Describe applicant's resources, laboratory and other facilities, and professional personnel that will be involved in conducting the project. Include in an appendix curriculum vitae for all professional personnel involved with the project. Describe plans for administration of the project and identify administrative resources that will be assigned to the project. Provide in an appendix letters of support from all key participating non-applicant organizations, individuals, etc., which clearly indicate their commitment to participate as described in the operational plan. Do not include letters of support from CDC personnel. Letters of support from CDC will not be accepted in the application.

4. *Objectives and Technical Approach*: Describe specific objectives for the proposed project which are measurable and time-phased and are consistent with the purpose and goals of this cooperative agreement program. Include a detailed timeline for completion of key activities. Provide a detailed operational plan for initiating and conducting the project which clearly and appropriately addresses all Recipient Activities. Include a clear description of applicant's technical approach/methods which are directly relevant to the study objectives. Clearly identify specific assigned responsibilities/tasks for all key professional personnel. Describe the nature and extent of collaboration with CDC and/or others during various phases of the project. Clearly describe the population to be studied (minimum adequate numbers of animals are as follows: dairy cows-100, turkeys or chickens-5000, beef cattle-500, and swine-250). Describe in detail a plan for evaluating study results (including how data on prescribing practices, costs, and charges will be obtained) and for evaluating progress toward achieving project objectives. Justify the choice of organisms and antimicrobial susceptibility that will be used for

evaluation, and include a description about how quality of laboratory measurements will be assured.

5. *Budget*: Provide in an appendix a budget and accompanying detailed justification for the first year of the project that is consistent with the purpose and objectives of this program. Provide estimated total budgets for subsequent years. The last year may involve only data collection and analysis for purposes of evaluating the program. If requesting funds for any contracts, provide the following information for each proposed contract: (1) Name of proposed contractor, (2) breakdown and justification for estimated costs, (3) description and scope of activities to be performed by contractor, (4) period of performance, and (5) method of contractor selection (e.g., sole-source or competitive solicitation). (See sample budget included in application package.)

Note: If indirect costs are requested, a copy of the applicant organization's current negotiated Federal indirect cost rate agreement or cost allocation plan must be provided.

F. Application Submission and Deadline

The original and five copies of the completed application PHS Form 398 (revised 5/95, OMB Control Number 0925-0001) must be submitted to the address below on or before August 7, 1998:

Sharron P. Orum, Grants Management Officer, ATTN: Gladys T. Gissentanna, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mailstop E-18, Atlanta, Georgia 30305-2209

1. *Deadline*: Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date; or

b. Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. *Late Applications*: Applications which do not meet the criteria in 1. a. or 1. b. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

G. Evaluation Criteria

The applications will be reviewed and evaluated according to the following criteria by an independent review group appointed by CDC:

1. Background and Need (10 points):

Extent to which applicant's discussion of the background for the proposed project demonstrates a clear understanding of the purpose and objectives of this cooperative agreement program. Extent to which applicant illustrates and justifies the need for the proposed project that is consistent with the purpose and objectives of this program.

2. Capacity and Personnel (30 points total):

a. Extent to which applicant describes adequate resources and facilities (both technical and administrative) for conducting the project. This includes the capacity to conduct quality laboratory measurements. (10 points)

b. Extent to which applicant documents that professional personnel involved in the project are qualified and have past experience and achievements in research and programs related to that proposed as evidenced by curriculum vitae, publications, etc. (15 points)

c. Extent to which applicant includes letters of support from non-applicant organizations, individuals, etc. Extent to which the letters clearly indicate the author's commitment to participate as described in the operational plan. (5 points)

3. Objectives and Technical Approach (60 points total):

a. Extent to which applicant describes specific objectives of the proposed project which are consistent with the purpose and goals of this program and which are measurable and time-phased. (10 points)

b. Extent to which the applicant identifies an appropriate population for study, including whether the results of a study in this population will be generalizable to other populations in the United States. Extent to which the applicant identifies microbes/resistance patterns for study that are of public health importance. (10 points) Extent to which applicant presents a detailed operational plan for initiating and conducting the project, which clearly and appropriately addresses all Recipient Activities. Extent to which applicant clearly identifies specific assigned responsibilities for all key professional personnel. Extent to which the plan clearly describes applicant's technical approach/methods for developing and conducting the proposed program and evaluation and extent to which the plan is adequate to

accomplish the study objectives. The extent to which applicant describes the existence of or plans to establish partnerships. (20 points)

c. Extent to which applicant describes adequate and appropriate collaboration with CDC and/or others during various phases of the project. (10 points)

d. Extent to which applicant provides a detailed and adequate plan for evaluating study results (including laboratory data, data on prescribing practices, and data on direct costs and charges and indirect costs), as well as plans for evaluating progress toward achieving project objectives. (10 points)

4. Budget (not scored):

Extent to which the proposed budget is reasonable, clearly justifiable, and consistent with the intended use of cooperative agreement funds.

H. Other Requirements

Technical Reporting Requirements

Semiannual progress reports are required and must be submitted no later than 30 days after each semiannual reporting period. The semiannual progress reports must summarize the following: (1) major accomplishments including information on women screened; (2) problems encountered in program implementation; and (3) efforts or proposed strategies to resolve problems. The final progress report is required no later than 90 days after the end of the project period. All manuscripts published as a result of the work supported in part or whole by the cooperative agreement will be submitted with the progress reports.

An annual Financial Status Report (FSR) must be submitted no later than 90 days after the end of each budget period. The final financial status report is due no later than 90 days after the end of the project period.

An original and two copies of all reports should be submitted to the Grants Management Officer, Grants Management Branch, CDC.

Executive Order 12372 Review

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order 12372 (E.O.). E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants (other than federally recognized Indian tribal governments) should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is

advised to contact the SPOC for each affected State. A current list of SPOCs is included in the application kit. Indian tribes are strongly encouraged to request tribal government review of the proposed application. If SPOCs or tribal governments have any process recommendations on applications submitted to CDC, they should forward them to Sharron Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Mailstop E-18, Room 314, Atlanta, Georgia 30305. The due date for State process recommendations is 30 days after the application deadline date for new and competing continuation awards (the appropriation for this financial assistance program was received late in the fiscal year and would not allow for an application receipt date that would accommodate the 60-day State recommendation process period). The granting agency does not guarantee to "accommodate or explain" for State process recommendations it receives after that date.

The following additional requirements, incorporated by reference, are applicable to this program. For a complete description of each, see Attachment 2 (included in the application kit).

AR98-2-Animal Subjects Requirements

AR98-9-Paperwork Reduction Act

Requirements

AR98-10-Smoke-Free Workplace

Requirements

AR98-15-Proof of Non-Profit Status

(See Eligibility Section)

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under Sections 301(a) and 317(k)(2) of the Public Health Service Act, as amended [42 U.S.C. 241(a) and 247b(k)(2)]. The Catalog of Federal Domestic Assistance Number is 93.283.

J. Where To Obtain Additional Information

To receive additional written information and to request an application kit, call 1-888-GRANTS4 (1-888-472-6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest. If you have any questions after reviewing the contents of all the documents, business management technical assistance may be obtained from Gladys T. Gissentanna, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers

for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mailstop E-18, Atlanta, Georgia 30305, Telephone (404) 842-6801, Email address: gcg4@cdc.gov.

Programmatic technical assistance may be obtained from Frederick Angulo, DVM, PhD, Medical Epidemiologist, National Centers for Infectious Diseases, Division of Bacterial and Mycotic Diseases, Foodborne and Diarrheal Diseases Branch, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop A-38, Atlanta, Georgia 30333, Telephone (404) 639-2840, Facsimile: (404) 639-2205, Email address: fja0@cdc.gov.

You may also obtain this announcement from one of two Internet sites on the actual publication date: CDC's homepage at <http://www.cdc.gov> or at the Government Printing Office homepage (including free on-line access to the **Federal Register** at <http://www.access.gpo.gov>).

John L. Williams,

*Director, Procurement and Grants Office,
Centers for Disease Control and Prevention
(CDC).*

[FR Doc. 98-17592 Filed 7-1-98; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Docket No. 98D-0375]

Draft Guidance for Staff, Industry and Third Parties: Third Party Programs Under the Sectoral Annex on Medical Devices to the Agreement on Mutual Recognition Between the United States of America and the European Community; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance entitled "Draft Guidance for Staff, Industry and Third Parties: Third Party Programs Under the Sectoral Annex on Medical Devices to the Agreement on Mutual Recognition Between the United States of America and the European Community (MRA)." Under the Sectoral Annex on Medical Devices (Medical Devices Annex), FDA has agreed to designate Conformity Assessment Bodies (CAB's). CAB's will be third parties (i.e., private individuals or organizations outside of FDA) authorized to perform premarket and quality system evaluations consistent

with the Medical Devices Annex. Assuming the MRA enters into force and a final rule becomes effective, when finalized, this draft guidance will apply to CAB's seeking to be designated under the Medical Devices Annex, and it will assist those who are interested in participating in this program as CAB's or as applicants pursuing premarket and quality system evaluations consistent with the Medical Devices Annex. **DATES:** Written comments by August 3, 1998.

ADDRESSES: Submit written comments on the guidance to the Dockets Management Branch, (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857. Comments should be identified with the docket number found in brackets in the heading of this document. If you do not have access to the World Wide Web, submit written requests for single copies of the guidance document entitled "Draft Guidance for Staff, Industry and Third Parties: Third Party Programs Under the Sectoral Annex on Medical Devices to the Agreement on Mutual Recognition Between the United States of America and the European Community (MRA)" on 3.5" diskette to the Division of Small Manufacturers Assistance (HFZ-220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self addressed adhesive labels to assist that office in processing your request, or fax your request to 401-443-8818. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: John F. Stigi, Division of Small Manufacturers Assistance (HFZ-220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301-443-6597 or FAX 301-443-8818.

SUPPLEMENTARY INFORMATION:

I. Background

FDA has participated in negotiations on an international agreement on medical devices concluded in June 1997 between the United States and the European Community (EC). These negotiations resulted in the drafting of the MRA, which includes a special section pertaining to medical devices and is referred to as the Medical Devices Annex. After completion of a 3-year transition period, the Medical Devices Annex provides for normal endorsement of premarket and quality system evaluation reports of conformity assessment produced by equivalent third parties, the CAB's.

The MRA was signed in London on May 18, 1998, but it has not entered into force. FDA has published a proposed rule on the portions of the MRA affecting FDA-regulated products (63 FR 17744, April 10, 1998); the comment period closed on May 11, 1998.

In order to establish confidence in the conformity assessment process, CAB's will be required to participate in rigorous joint activities to demonstrate their proficiency to conduct evaluations. Upon implementation of this program, CAB evaluations will be exchanged and normally endorsed by both FDA and the EC for the marketing of medical devices.

FDA intends to use the National Voluntary Conformity Assessment System Evaluation (NVCASE) administered by the National Institute of Standards and Technology (NIST) of the U.S. Department of Commerce to recognize one or more accreditation bodies that, in turn, will assess potential U.S. CAB's seeking to be designated under the Medical Devices Annex, to evaluate medical devices produced for the EC market. FDA will consider the recommendations made by the recognized accreditation bodies under NVCASE from June 1, 1998, to October 1, 1998, and then designate U.S. CAB's that meet criteria for technical competence established in the Medical Devices Annex. This draft guidance provides information regarding the process for CAB's to become eligible for designation under the Medical Devices Annex.

II. Significance of Guidance

This draft guidance document represents the agency's current thinking on guidance for staff, industry, third parties, and third party programs under the sectoral annex on medical devices to the Agreement on Mutual Recognition Between the United States of America and the European Community. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the applicable statute, regulations, or both. This guidance is not final nor is it in effect at this time.

The agency has adopted Good Guidance Practices (GGP's) that set forth the agency's policies and procedures for the development, issuance, and use of guidance documents (62 FR 8961, February 27, 1997). This guidance is issued as a Level 1 guidance consistent with GGP's.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so using the World Wide Web. CDRH maintains

an entry on the World Wide Web for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Web. Updated on a regular basis, the CDRH Home Page includes the "Draft Guidance for Staff, Industry and Third Parties: Third Party Programs Under the Sectoral Annex on Medical Devices to the Agreement on Mutual Recognition Between the United States of America and the European Community (MRA)," device safety alerts, access to **Federal Register** reprints, information on premarket submissions including lists of approved applications and manufacturers' addresses, small manufacturers' assistance, information on video conferencing and electronic submissions, mammography matters, and other device-oriented information. The CDRH Home Page may be accessed at <http://www.fda.gov/cdrh>.

A text-only version of the CDRH Web site is also available from a computer or VT-100 compatible terminal by dialing 800-222-0185. The terminal settings are 8/1/N. After the modem answers, press Enter several times and then select menu choice 1: FDA BULLETIN BOARD SERVICE. From there follow instructions for logging in, and at the BBS TOPICS PAGE, arrow down to the FDA Home Page (do not select the first CDRH entry). Then select Medical Devices and Radiological Health. From there select CENTER FOR DEVICES AND RADIOLOGICAL HEALTH for general information, or arrow down for specific topics.

IV. Comments

Interested persons may, on or before (*insert date 30 days after publication in the Federal Register*), submit to Dockets Management Branch (address above) written comments regarding this draft guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance document and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 24, 1998.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 98-17600 Filed 7-1-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N-0453]

Agency Emergency Processing Under OMB Review

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for emergency processing under the Paperwork Reduction Act of 1995 (the PRA). The proposed collection of information concerns the submission of applications to recognized accreditation bodies that will assess potential U.S. Conformity Assessment Bodies (CAB's) seeking to be designated under the U.S./European Community (EC) Mutual Recognition Agreement (MRA) to assess medical devices produced for the EC market. This collection of information also concerns the submission of third-party evaluation reports by EC CAB's under the program. FDA is requesting OMB approval within 15 days of receipt of this submission.

DATES: Submit written comments on the collection of information by July 13, 1998.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Desk Officer for FDA. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Margaret R. Schlosburg, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-1223.

SUPPLEMENTARY INFORMATION:

I. Background

FDA has requested emergency processing of this proposed collection of information under section 3507(j) of the PRA and 5 CFR 1320.13. The information is needed immediately in

order for potential CAB's to be designated in time to participate in training for premarket and quality systems evaluations scheduled for October 14 through 23, 1998. The use of normal clearance procedures would be likely to result in the prevention or disruption of this collection of information and would delay the implementation of the confidence building activities authorized by the U.S./EC MRA.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

The third-party program under the U.S./EC MRA is intended to implement that part of the U.S./EC MRA that covers the exchange of quality system evaluation reports for all medical devices and premarket evaluation reports for selected low-to-moderate risk devices. Under the MRA, firms may apply to become designated as a U.S. CAB. Firms who are designated will be qualified to conduct quality system evaluations for all classes of devices and product-type examinations and verifications for selected devices based on EC requirements under the voluntary third-party program authorized by the MRA. Firms designated as EC CAB's could, in turn, conduct quality system evaluations for all classes of devices and premarket 510(k) evaluations for selected devices based on FDA requirements. Under the voluntary third-party program, reports of these evaluations would be submitted by the EC CAB's to FDA. The EC CAB's would also be required to maintain copies of their evaluation reports.

FDA estimates the burden of this collection as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN¹

Item	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Requests for designation as U.S. CAB	12	1	12	24	288
Premarket reports by EC CAB's	20	5	100	40	4,000
Quality system reports by EC CAB's	20	5	100	32	3,200
Total					7,488

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN¹

Item	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
Records of evaluation of premarket submissions by EC CAB's	20	5	100	10	1,000
Records of evaluation of quality systems	20	5	100	10	1,000
Total					2,000

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

The burdens are explained as follows:

II. Reporting

A. Requests for Designation as U.S. CAB

Under this program, U.S. firms may apply for designation as a U.S. CAB. Such designation will enable that firm to perform third-party evaluations of U.S. products for export to the EC. Likewise, European firms may apply to be designated as EC CAB's, which will enable them to perform third-party evaluations of products to be exported to the United States. The application for nomination as an EC CAB does not represent a paperwork burden subject to the PRA because the designation procedure is an internal process which is required by, and administered by, European authorities. Only the application for designation as a U.S. CAB represents a paperwork burden under the PRA. The agency anticipates, based on discussions with the National Institute of Science and Technology of the U.S. Department of Commerce and officials of other standards organizations, that approximately 12 applications for designation as U.S. CAB's will be received.

B. Premarket Reports

Under this program, EC CAB's will be able to perform third-party evaluations for certain products produced in Europe for export to the United States. EC CAB's would be required to submit to FDA reports of their evaluations. Based upon information gathered during the negotiation of the U.S./EC MRA, the agency anticipates that European manufacturers will request third-party evaluation for approximately 100 medical device products annually. The

agency further estimates, based on dialogue with EC officials, that 20 firms will be designated to act as EC CAB's.

C. Quality System Reports

Under this program, EC CAB's will be able to perform third-party evaluations of the quality systems established by manufacturers of European products produced for export to the United States. EC CAB's would be required to submit to FDA reports of their evaluations. Based upon information gathered during the negotiation of the U.S./EC MRA, the agency anticipates that European manufacturers will request third-party evaluations for approximately 100 medical device products annually. The agency estimates that 20 EC CAB's will perform these evaluations.

III. Recordkeeping

As stated previously, firms designated as EC CAB's will be able to perform third-party evaluations of quality systems and premarket submissions for certain products produced for export to the United States. Such evaluation will be conducted consistent with FDA's regulatory requirements, and FDA will require the reviewers to keep, in their records, a copy of the report that they submit to FDA for each evaluation. The agency anticipates that 100 premarket reports and 100 quality system reports will be generated and required to be maintained by EC CAB's annually. Thus, the agency estimates that 100 records of evaluations of quality systems and premarket submissions will be retained by the designated EC CAB's. Based on experience with the Third Party Review Pilot Program, which was announced in the **Federal Register** of

April 3, 1996 (61 FR 14789), the agency anticipates that each recordkeeper will require no more than 2 hours of recordkeeping per review. The agency is estimating 5 reviews per respondent; therefore, the total number of hours per recordkeeper is 10.

Dated: June 24, 1998.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 98-17602 Filed 7-1-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Request for Nominations for Nonvoting Representatives of Consumer and Industry Interests on Public Advisory Panels or Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for nonvoting consumer representatives and nonvoting industry representatives to serve on certain device panels of the Medical Devices Advisory Committee in the Center for Devices and Radiological Health (CDRH). Nominations will be accepted for current vacancies and for those that will or may occur through June 30, 1999.

FDA has a special interest in ensuring that women, minority groups, individuals with disabilities, and small businesses are adequately represented on advisory committees and, therefore,

encourages nominations for appropriately qualified candidates from these groups, as well as nominations from small businesses that manufacture medical devices subject to the regulations.

DATES: Nominations should be received by *(insert date 30 days after date of publication in the Federal Register)*, for vacancies listed in this notice.

ADDRESSES: All nominations and curricula vitae for consumer representatives should be submitted in

writing to Annette J. Funn (address below). All nominations and curricula vitae (which includes nominee's office address and telephone number) for industry representatives should be submitted in writing to Kathleen L. Walker (address below).

FOR FURTHER INFORMATION CONTACT:

Regarding consumer representatives: Annette Funn, Office of Consumer Affairs (HFE-88), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-

5006.

Regarding industry representatives: Kathleen L. Walker, Office of Systems and Management (HFZ-17), CDRH, Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301-594-1283, ext. 114.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for nonvoting members representing consumer and industry interests for the vacancies listed below:

Medical Devices Panels	Approximate Date Representative is Needed	
	Consumer	Industry
Circulatory System Devices Panel	July 1, 1999	NV
Immunology Devices Panel	March 1, 1999	NV
Obstetrics and Gynecology Devices Panel	NV	February 1, 1999

NV = No vacancy

Function

The functions of the medical device panels are to: (1) Review and evaluate data on the safety and effectiveness of marketed and investigational devices and make recommendations for their regulation; (2) advise the Commissioner of Food and Drugs regarding recommended classification or reclassification of these devices into one of three regulatory categories; (3) advise on any possible risks to health associated with the use of devices; (4) advise on formulation of product development protocols; (5) review premarket approval applications for medical devices; (6) review guidelines and guidance documents; (7) recommend exemption to certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act; (8) advise on the necessity to ban a device; (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices; and (10) make recommendations on the quality in the design of clinical studies regarding the safety and effectiveness of marketed and investigational devices.

Consumer and Industry Representation

Section 520(f)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(f)(3)), as amended by the Medical Device Amendments of 1976, provides that each medical device panel include as members one nonvoting representative of consumer interests and one nonvoting representative of interests of the medical device manufacturing industry.

Nomination Procedures

Consumer Representatives

Any interested person may nominate one or more qualified persons as a member of a particular advisory committee or panel to represent consumer interests as identified in this notice. Self-nominations are also accepted. To be eligible for selection, the applicant's experience and/or education will be evaluated against Federal civil service criteria for the position to which the person will be appointed.

Nominations shall include a complete curriculum vitae of each nominee and shall state that the nominee is aware of the nomination, is willing to serve as a member, and appears to have no conflict of interest that would preclude membership. FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest. The nomination should state whether the nominee is interested only in a particular advisory committee or panel or in any advisory committee or panel. The term of office is up to 4 years, depending on the appointment date.

Industry Representatives

Any organization in the medical device manufacturing industry (industry interests) wishing to participate in the selection of an appropriate member of a particular panel may nominate one or more qualified persons to represent industry interests. Persons who

nominate themselves as industry representatives for the panels will not participate in the selection process. It is, therefore, recommended that all nominations be made by someone with an organization, trade association, or firm who is willing to participate in the selection process.

Nominees shall be full-time employees of firms that manufacture products that would come before the panel, or consulting firms that represent manufacturers. Nominations shall include a complete curriculum vitae of each nominee. The term of office is up to 4 years, depending on the appointment date.

Selection Procedures

Consumer Representatives

Selection of members representing consumer interests is conducted through procedures which include use of a consortium of consumer organizations which has the responsibility for recommending candidates for the agency's selection. Candidates should possess appropriate qualifications to understand and contribute to the committee's work.

Industry Representatives

Regarding nominations for members representing the interests of industry, a letter will be sent to each person that has made a nomination, and to those organizations indicating an interest in participating in the selection process, together with a complete list of all such organizations and the nominees. This letter will state that it is the responsibility of each nominator or organization indicating an interest in

participating in the selection process to consult with the others in selecting a single member representing industry interests for the panel within 60 days after receipt of the letter. If no individual is selected within 60 days, the agency will select the nonvoting member representing industry interests.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: June 26, 1998.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 98-17601 Filed 7-1-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Request for Nominations for Voting Members on Public Advisory Panels or Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for voting members to serve on certain device panels of the Medical Devices Advisory Committee, the Device Good Manufacturing Practice Advisory Committee, and the Technical Electronic Product Radiation Safety Standards Committee in the Center for Devices and Radiological Health (CDRH). Nominations will be accepted for current vacancies and those that will or may occur through June 30, 1999.

FDA has a special interest in ensuring that women, minority groups, and individuals with disabilities are adequately represented on advisory committees and, therefore, encourages nominations of qualified candidates from these groups.

DATES: Because scheduled vacancies occur on various dates throughout each year, no cutoff date is established for the receipt of nominations. However, when possible, nominations should be received at least 6 months before the date of scheduled vacancies for each year, as indicated in this notice.

ADDRESSES: All nominations and curricula vitae for the device panels should be sent to Nancy J. Pluhowski, Office of Device Evaluation (HFZ-400), CDRH, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850.

All nominations and curricula vitae for health professionals, industry

representatives, and government representatives for the Device Good Manufacturing Practice Advisory Committee should be sent to Sharon Kalokerinos, CDRH (HFZ-300), Food and Drug Administration, 2094 Gaither Rd., Rockville, MD 20850.

All nominations and curricula vitae for government and industry representatives for the Technical Electronic Product Radiation Safety Standards Committee should be sent to Orhan Suleiman, CDRH (HFZ-240), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850.

All nominations and curricula vitae for general public representatives for the Device Good Manufacturing Practice Advisory Committee and the Technical Electronic Product Radiation Safety Standards Committee should be sent to Annette Funn, Office of Consumer Affairs (HFE-88), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Kathleen L. Walker, Center for Devices and Radiological Health (HFZ-17), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301-594-1283, ext. 114.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations of voting members for vacancies listed below.

1. *Circulatory System Devices Panel:* Two vacancies occurring June 30, 1999; interventional cardiologists, electrophysiologists, invasive (vascular) radiologists, vascular and cardiothoracic surgeons, and cardiologists with special interest in congestive heart failure.

2. *Clinical Chemistry and Clinical Toxicology Devices Panel:* One vacancy occurring February 28, 1999; doctors of medicine or philosophy with experience in clinical chemistry, clinical toxicology, clinical pathology, clinical laboratory medicine, or oncology.

3. *Dental Products Panel:* Three vacancies immediately, one vacancy occurring October 31, 1998; dentists who have expertise in the areas of lasers, endosseous implants, temporomandibular joint implants, dental materials and/or endodontics; or experts in bone physiology relative to the oral and maxillofacial area.

4. *Ear, Nose, and Throat Devices Panel:* One vacancy occurring October 31, 1998; audiologists, otolaryngologists, neurophysiologist, statisticians, or electrical or biomedical engineers.

5. *General Hospital and Personal Use Devices Panel:* Three vacancies immediately, one vacancy occurring December 31, 1998; internists,

pediatricians, neonatologists, gerontologists, nurses, biomedical engineers or microbiologists/infection control practitioners or experts.

6. *Hematology and Pathology Devices Panel:* Two vacancies occurring February 28, 1999; cytopathologists and histopathologists; hematologists (blood banking, coagulation and hemostasis); molecular biologists (nucleic acid amplification techniques), and hematopathologists (oncology).

7. *Immunology Devices Panel:* One vacancy immediately, one vacancy occurring February 28, 1999; persons with experience in medical, surgical, or clinical oncology, internal medicine, clinical immunology, allergy, molecular diagnostics, human genetics testing or clinical laboratory medicine.

8. *Microbiology Devices Panel:* Three vacancies immediately, one vacancy occurring February 28, 1999; infectious disease clinicians; clinical microbiologists with expertise in antimicrobial and antimycobacterial susceptibility testing, chemotherapy and in vitro diagnostic (IVD) applications; clinical virologists with expertise in clinical diagnosis and IVD assays; clinical oncologists experienced with antitumor resistance and susceptibility; and molecular biologists.

9. *Obstetrics and Gynecology Devices Panel:* Two vacancies occurring January 31, 1999; experts in reproductive endocrinology, endoscopy, electrosurgery, laser surgery, assisted reproductive technologies, and contraception; biostatisticians and engineers with experience in obstetrics/gynecology devices; urogynecologists; experts in breast care; and experts in gynecology in the older patient.

10. *Orthopaedic and Rehabilitation Devices Panel:* Two vacancies occurring August 31, 1998; orthopedic surgeons experienced with prosthetic ligament devices, joint implants, or spinal instrumentation; physical therapists experienced in spinal cord injuries, neurophysiology, electrotherapy, and joint biomechanics; rheumatologists; or biomedical engineers.

11. *Radiological Devices Panel:* Two vacancies occurring January 31, 1999; physicians and scientists with expertise in nuclear medicine, diagnostic or therapeutic radiology, mammography, thermography, transillumination, hyperthermia cancer therapy, bone densitometry, magnetic resonance, computed tomography, or ultrasound.

12. *Device Good Manufacturing Practice Advisory Committee:* Four vacancies immediately, one government representative, one health professional, one industry representative, and one general public representative; five

vacancies occurring May 31, 1999; two government representatives, one health professional, one industry representative, and one general public representative.

13. *Technical Electronic Product Radiation Safety Standards Committee:* Five vacancies immediately, two government representatives, one industry representative, and two general public representatives; five vacancies occurring December 31, 1998, one government representative, three industry representatives, and one general public representative.

Functions

Medical Devices Panels

The functions of the panels are to: (1) Review and evaluate data on the safety and effectiveness of marketed and investigational devices and make recommendations for their regulation; (2) advise the Commissioner of Food and Drugs regarding recommended classification or reclassification of these devices into one of three regulatory categories; (3) advise on any possible risks to health associated with the use of devices; (4) advise on formulation of product development protocols; (5) review premarket approval applications for medical devices; (6) review guidelines and guidance documents; (7) recommend exemption to certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act (the act); (8) advise on the necessity to ban a device; (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices; and (10) make recommendations on the quality in the design of clinical studies regarding the safety and effectiveness of marketed and investigational devices.

The Dental Products Panel also functions at times as a dental drug panel. The functions of the drug panel are to: (1) Evaluate and recommend whether various prescription drug products should be changed to over-the-counter status; and (2) evaluate data and make recommendations concerning the approval of new dental drug products for human use.

Device Good Manufacturing Practice Advisory Committee

The functions of the committee are to review proposed regulations for promulgation regarding good manufacturing practices governing the methods used in, and the facilities and controls used for manufacture, packaging, storage, installation, and servicing of devices, and make

recommendations regarding the feasibility and reasonableness of those proposed regulations. The committee also reviews and makes recommendations on proposed guidelines developed to assist the medical device industry in meeting the good manufacturing practice requirements, and provides advice with regard to any petition submitted by a manufacturer for an exemption or variance from good manufacturing practice regulations.

Section 520 of the act (21 U.S.C. 360(j)), as amended, provides that the Device Good Manufacturing Practice Advisory Committee shall be composed of nine members as follows: Three of the members shall be appointed from persons who are officers or employees of any Federal, State, or local government, two shall be representatives of interests of the device manufacturing industry, two shall be representatives of the interests of physicians and other health professionals, and two shall be representatives of the interests of the general public.

Technical Electronic Product Radiation Safety Standards Committee

The function of the committee is to provide advice and consultation on the technical feasibility, reasonableness, and practicability of performance standards for electronic products to control the emission of radiation from such products. The committee may recommend electronic product radiation safety standards for consideration.

Section 534(f) of the act (21 U.S.C. 360kk(f)), as amended by the Safe Medical Devices Act of 1990, provides that the Technical Electronic Product Radiation Safety Standards Committee include five members from governmental agencies, including State or Federal Governments, five members from the affected industries, and five members from the general public, of which at least one shall be a representative of organized labor.

Qualifications

Medical Device Panels

Persons nominated for membership on the panels shall have adequately diversified experience appropriate to the work of the panel in such fields as clinical and administrative medicine, engineering, biological and physical sciences, statistics, and other related professions. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medical practice,

teaching, and/or research relevant to the field of activity of the panel. The particular needs at this time for each panel are shown above. The term of office is up to 4 years, depending on the appointment date.

Device Good Manufacturing Practice Advisory Committee

Persons nominated for membership as a government representative or health professional should have knowledge of or expertise in any one or more of the following areas: Quality assurance concerning the design, manufacture, and use of medical devices. To be eligible for selection as a representative of the general public or industry, nominees should possess appropriate qualifications to understand and contribute to the committee's work. The particular needs are shown above. The term of office is up to 4 years, depending on the appointment date.

Technical Electronic Product Radiation Safety Standards Committee

Persons nominated must be technically qualified by training and experience in one or more fields of science or engineering applicable to electronic product radiation safety. The particular needs are shown above. The term of office is up to 4 years, depending on the appointment date.

Nomination Procedures

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory panels or advisory committees. Self-nominations are also accepted. Nominations shall include a complete curriculum vitae of each nominee, current business address and telephone number, and shall state that the nominee is aware of the nomination, is willing to serve as a member, and appears to have no conflict of interest that would preclude membership. FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest.

Consumer/General Public Representatives

Any interested person may nominate one or more qualified persons as a member of a particular advisory committee or panel to represent consumer interests as identified in this notice. To be eligible for selection, the applicant's experience and/or education will be evaluated against Federal civil service criteria for the position to which the person will be appointed.

Selection of members representing consumer interests is conducted through procedures which include use of a consortium of consumer organizations which has the responsibility for recommending candidates for the agency's selection. Candidates should possess appropriate qualifications to understand and contribute to the committee's work.

Nominations shall include a complete curriculum vitae of each nominee and shall state the the nominee is aware of the nomination, is willing to serve as a member, and appears to have no conflict of interest that would preclude membership. FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest. The nomination should state whether the nominee is interested only in a particular advisory committee or in any advisory committee. The term of office is up to 4 years, depending on the appointment date.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14 relating to advisory committees.

Dated: June 26, 1998.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 98-17603 Filed 7-1-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92F-0443]

Dow Corning Corp.; Filing of Food Additive Petition; Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is amending the filing notice for a food additive petition filed by Dow Corning Corp. to indicate that the petitioner has also proposed that the food additive regulations be amended to provide for the safe use of tetramethyltetravinylcyclotetrasiloxane as an optional polymerization inhibitor in the manufacture of dimethylpolysiloxane coatings produced by cross-linking a vinyl-containing dimethylpolysiloxane with methylhydrogen-containing polysiloxane and

dimethylmethylhydrogen polysiloxane polymers using a platinum catalyst.

FOR FURTHER INFORMATION CONTACT:

Julius Smith, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3091.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 12, 1993 (58 FR 8290), FDA announced that a petition (FAP 3B4346) had been filed by Dow Corning Corp., P.O. Box 994, Midland, MI 48686-0994, proposing to amend § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300), § 175.320 *Resinous and polymeric coatings for polyolefin films* (21 CFR 175.320), and § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of dimethylpolysiloxane coatings produced by cross-linking a vinyl-containing dimethylpolysiloxane with methylhydrogen-containing polysiloxane and dimethylmethylhydrogen polysiloxane polymers using a platinum catalyst. The petition also proposed that the food additive regulations be amended to provide for the safe use of 3,5-dimethyl-1-hexyne-3-ol, 1-ethynylcyclohexene, bis(methoxymethyl)ethyl maleate and methylvinyl cyclosiloxane as optional polymerization inhibitors. Additionally, the petition proposed that the regulations be amended to provide for the safe use of 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one mixture, optionally containing magnesium nitrate, as an antimicrobial agent for emulsion-based silicone coating formulations.

Subsequent to publication of the filing notice, the petitioner amended the petition to request the use of tetramethyltetravinylcyclotetrasiloxane as an optional polymerization inhibitor in the manufacture of dimethylpolysiloxane coatings produced by cross-linking a vinyl-containing dimethylpolysiloxane with methylhydrogen-containing polysiloxane and dimethylmethylhydrogen polysiloxane polymers using a platinum catalyst.

Therefore, FDA is amending the filing notice of February 12, 1993, to indicate that the petitioner requests that the food additive regulations be amended to provide for the safe use of tetramethyltetravinylcyclotetrasiloxane as an optional polymerization inhibitor in the manufacture of dimethylpolysiloxane coatings produced by cross-linking a vinyl-containing dimethylpolysiloxane with methylhydrogen-containing

polysiloxane and dimethylmethylhydrogen polysiloxane polymers using a platinum catalyst.

The agency has determined under 21 CFR 25.32(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: June 11, 1998.

Laura M. Tarantino,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 98-17548 Filed 7-1-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98F-0484]

Eastman Chemical Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Eastman Chemical Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of di-2-ethylhexylterephthalate as a component of closure-sealing gaskets for food containers.

FOR FURTHER INFORMATION CONTACT:

Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS-205), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3086.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 8B4593) has been filed by Eastman Chemical Co., P.O. Box 431, Kingsport, TN 37662. The petition proposes to amend the food additive regulations in § 177.1210 *Closures with sealing gaskets for food containers* (21 CFR 177.1210) to provide for the safe use of di-2-ethylhexyl terephthalate as a component of closure-sealing gaskets for food containers.

The agency has determined under 21 CFR 25.32(i) that this action is of the type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment

nor an environmental impact statement is required.

Dated: June 17, 1998.

Laura M. Tarantino,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 98-17547 Filed 7-1-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 95N-0195]

Agreement on Mutual Recognition Between the United States of America and the European Community; Third Party Review Program Under the Sectoral Annex on Medical Devices; Conformity Assessment Bodies

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is identifying the process for designating Conformity Assessment Bodies (CAB's) under the Sectoral Annex on Medical Devices to the Agreement on Mutual Recognition Between the United States of America and the European Community (MRA). The MRA was signed in London on May 18, 1998, but it has not entered into force. FDA has published a proposed rule on the parts of the MRA affecting FDA-regulated products. This notice announces the process for CAB's to become eligible for designation under the Sectoral Annex on Medical Devices (Medical Devices Annex). The availability of the draft guidance detailing the requirements for performing evaluations, training for CAB's, and content of evaluation reports by FDA is announced elsewhere in this issue of the **Federal Register**. Also announced elsewhere in this issue of the **Federal Register** is an emergency processing request for Office of Management and Budget review of the information collection provisions of this notice.

FOR FURTHER INFORMATION CONTACT:

Regarding the U.S./European Community MRA: John F. Stigi, Director, Division of Small Manufacturers Assistance (HFZ-220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301-443-6597, or FAX: 301-443-8818. Regarding the process for being

recognized to assess U.S. CAB's or for naming a recognized accreditor: Robert L. Gladhill, Conformity Assessment Systems Evaluation, National Institute of Standards and Technology, NN, 282 Gaithersburg, MD 20899, 301-975-4273, or FAX: 301-963-2871.

SUPPLEMENTARY INFORMATION:

I. Background

On June 20, 1997, the United States and the European Community (EC) completed negotiation of the MRA that covered a variety of product sectors, including telecommunication equipment, recreational craft, pharmaceuticals, and medical devices. The Medical Devices Annex applies only to medical devices manufactured for export to the United States or EC. The EC consists of the following member States: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Portugal, Spain, Sweden, and the United Kingdom. FDA issued a proposed rule on April 10, 1998 (63 FR 17744), to add a new section to its regulations setting out requirements through which FDA may normally endorse certain reports of conformity assessments. The Medical Device Annex applies to reports of quality system evaluations of all medical devices and premarket evaluations of selected medical devices provided by designated conformity assessment bodies.

Assuming the MRA enters into force and a final rule becomes effective, a 3-year transition period will start during which time both sides will engage in confidence building activities. After the 3-year transition period and the confidence building activities are successfully completed, the operational period will begin.

The MRA consists of a framework agreement and individual sectoral annexes (i.e., those product sectors covered by the MRA). The framework agreement covers the general aspects of the implementation of the agreement as well as the requirements governing the CAB's, such as designation, listing, suspension, and withdrawal.

Within the framework agreement there is a provision that FDA and EC Designating Authorities review the Medical Devices Annex. It is anticipated that aspects of the Medical Devices Annex will be modified by agreement of FDA and EC Designating Authority as laws and policies change. This provision was included because of FDA's concern during the negotiations that there could be a change in the status of the FDA Third Party Review Pilot Program for medical devices that

would change the nature of the agreement.

Under the MRA, an EC CAB could conduct quality system evaluations for all classes of devices and premarket 510(k) evaluations for selected devices based on FDA requirements. Similarly, a U.S. CAB could conduct quality system evaluations for all classes of devices and product type examinations and verifications for selected devices based on EC requirements. In addition, an alert system would be set up during the transition period and maintained thereafter by which FDA and regulatory authorities will notify each other when there is an immediate danger to public health. As part of that system, FDA and EC will notify each other of any confirmed problem reports, corrective actions, or recalls.

The MRA may: (1) Be an important means of facilitating movement of medical devices important to human health between the United States and EC, (2) enhance public health by allowing better use of scarce FDA resources, (3) enhance harmonization of U.S. and EC regulatory systems, and (4) permit FDA to better utilize its regulatory resources to focus on manufacturers located in other countries.

Under the MRA, both the United States and the EC may eventually be able to save resources by utilizing evaluations of manufacturers conducted by the other party, thereby saving overseas travel time and expense. However, CAB's will be required to participate in rigorous joint activities in order to demonstrate proficiency in conducting FDA and EC evaluations. Based on demonstrated proficiency during a 3-year transition period, both FDA and EC are expected to "normally endorse" evaluations conducted by the other party's CAB's, while reserving the final decision making to themselves and reserving the right to conduct their own evaluations should significant deficiencies be found in any reports.

II. Third Party Review Program

The Medical Devices Annex identifies legislation, regulations, and related procedures under which: (1) Products are regulated as medical devices by each party (i.e., FDA and the EC); (2) CAB's are designated and confirmed; and (3) evaluation reports are prepared. Assuming the MRA enters into force and a final rule becomes effective, FDA will be the Designating Authority for U.S. CAB's and the EC Regulatory Authorities will be the Designating Authority for EC CAB's. FDA intends to use the National Voluntary Conformity Assessment System Evaluation

(NVCASE) administered by the National Institute of Standards and Technology (NIST) of the U.S. Department of Commerce to recognize one or more accreditation bodies that, in turn, will assess potential U.S. CAB's seeking to be designated under the MRA to assess medical devices produced for the EC market. FDA will consider the recommendations made by the recognized accreditation bodies from June 1, 1998, until October 1, 1998, review the list of recommended CAB's, and then designate U.S. CAB's that meet criteria for technical competence set forth in the Medical Devices Annex, assuming the MRA enters into force and a final rule on the MRA becomes effective. FDA intends to conduct training for EC CAB's from October 14 to 23, 1998.

Assessment of prospective U.S. CAB's for purposes of conducting quality system evaluations and product type-examination and verifications will be conducted under the NVCASE program under the procedures set forth in 15 CFR part 286. Prospective U.S. CAB's and accreditation bodies should contact NIST for additional information. Applications for designation should include sufficient information to address the qualifications for CAB's set forth in Article 1, Paragraph 1 of the Medical Devices Annex of the MRA. At a minimum, qualified U.S. CAB's should have knowledge of:

(1) Council Directive 90/385/EEC of June 20, 1990, on active implantable medical devices OJ No. L 189, 20.7.1990 (p. 17). Conformity assessment procedures: Annex 2 (with the exception of section 4), Annex 4, and Annex 5.

(2) Council Directive 93/42/EEC of June 14, 1993, on medical devices OJ No. L 169, 12.7.1993 (p. 1). Conformity assessment procedures: Annex 2 (with the exception of section 4), Annex 3, Annex 4, Annex 5, and Annex 6.

Assuming the MRA enters into force and a final rule becomes effective, designation of EC CAB's for the purpose of conducting quality system evaluations and premarket 510(k) evaluations will be conducted in accord with the Medical Devices Annex. At a minimum, qualified EC CAB's should have knowledge of:

(1) The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 *et seq.*),
 (2) The Public Health Service Act (42 U.S.C. 201 *et seq.*),

(3) Regulations of the United States Food and Drug Administration (21 CFR parts 800 to 1299); and

(4) The **Federal Register** document on the pilot program for third-party review of selected premarket notifications for

medical devices that was published on April 3, 1996 (61 FR 14789 at 14796).

Prospective EC CAB's should contact their European Regulatory Authority, not FDA, for further information. Following designation, the EC CAB's can expect to be monitored through FDA surveillance audits at intervals determined by the agency.

III. Environmental Impact

The agency has determined under 21 CFR 25.34(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Analysis of Impacts

FDA has examined the impacts of the U.S./EC MRA third party review program under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96-354), as amended by subtitle D of the Small Business Regulatory Fairness Act of 1996 (Pub. L. 104-121), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this voluntary program is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the program is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. This regulation provides alternative review options for certain types of submissions. This is a voluntary program which imposes no additional requirements on regulated industry. Accordingly, the agency certifies that the program, if implemented, would not have a significant economic impact on small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

Dated: June 24, 1998.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 98-17597 Filed 7-1-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Circulatory System Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Circulatory System Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 21 and 22, 1998, 8 a.m. to 5 p.m.

Location: Holiday Inn, Ballroom, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: John E. Stuhlmuller, Center for Devices and Radiological Health (HFZ-450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301-443-8243, ext. 157, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 12625. Please call the Information Line for up-to-date information on this meeting.

Agenda: On July 21, 1998, the committee will discuss, make recommendations, and vote on a premarket approval application (PMA) for a cardiac ablation device for ventricular tachycardia. On July 22, 1998, the committee is being asked to provide input to the agency regarding the design of clinical trials to support PMA's for cardiac ablation devices intended to treat atrial fibrillation and atrial flutter. Of particular concern are the following issues: (1) What are the appropriate controls to be used in such trials? (2) What are the appropriate safety and efficacy measures? and (3) When should assessments of these measures be made?

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by July 10, 1998. Oral presentations from the public will be scheduled between approximately 8 a.m. and 8:30 a.m. Near the end of

committee deliberations on both days, a 30-minute open public hearing will be conducted for interested persons to address issues specific to the submission before the committee. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before July 10, 1998, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 26, 1998.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 98-17596 Filed 7-1-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA-379]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* The Financial Statement of Debtor and Supporting Regulation 42 CFR 405.376; *Form No.:* HCFA-379, OMB #0938-0270; *Use:* This form is used to collect financial information which is needed to evaluate

requests from physician/suppliers to pay indebtedness under extended repayment schedule, or to compromise a debt for less than the full amount.

Frequency: As needed; *Affected Public:* Business or other for-profit, Not-for-profit institutions; *Number of Respondents:* 500; *Total Annual Responses:* 500; *Total Annual Hours:* 1,000.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: June 18, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 98-17557 Filed 7-1-98; 8:45 am]

BILLING CODE 4120-03P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA-R-246]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to

be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the information collection referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR, Part 1320. This collection is necessary to ensure compliance with section 1876 of the Social Security Act. Section 1876(I) of the Social Security Act (the Act) sets forth several criteria for HMO contracts. As relevant here, section 1876(I)(3) of the Act gives the Secretary, or her designee the authority to incorporate additional contractual terms and conditions that are consistent with section 1876. These statutorily mandated contract provisions have been implemented in the regulations at 42 CFR 417.470, *et seq* which reference 42 CFR 417.126(a) which states that each HMO must have an effective procedure to develop, compile, evaluate, and report to HCFA, to its enrollees, and to the general public, at the times and in the manner that HCFA requires, the following: the cost of its operations; the patterns of utilization of its services; the availability, accessibility and acceptability of its services; to the extent practical, developments in the health status of its enrollees; information demonstrating that the HMO has a fiscally sound operation and other matters that HCFA may require. Without emergency approval HCFA will be unable to monitor the quality of care received by beneficiaries in managed care measured through the Consumer Assessment of Health Plans Study (CAHPS) survey asking beneficiaries about their experiences with their plan. As a result, public harm is likely to result because HCFA will be unable to monitor the quality of care received by beneficiaries.

HCFA is requesting OMB review and approval of this collection within 6 working days of publication of this notice in the **Federal Register**, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by 5 working days of the publication of this notice. During this 180-day period, we

will publish a separate **Federal Register** notice announcing the initiation of an extensive 60-day agency review and public comment period on these requirements. We will submit the requirements for OMB review and an extension of this emergency approval.

Type of Information Request: Revision of Currently Approved Collection.

Title of Information Collection: CAHPS (Consumer Assessment of Health Plans Study) Survey.

Form Number: HCFA-R-246 (OMB approval #: 0938-NEW).

Use: We are revising the CAHPS to conform with the NCQA instrument. This collection effort (CAHPS) will be used to hold the Medicare managed care industry accountable for the quality of care they are delivering. This collection will better allow HCFA to obtain the information critical for the proper oversight of the program and to disseminate information that will help beneficiaries choose among plans, contribute to the improved quality of care through identification of quality improvement opportunities, and assist HCFA in carrying out its responsibilities.

Frequency: Annually.

Affected Public: Businesses or other for profit, Individuals or Households.

Number of Respondents: 150,240.

Total Annual Responses: 150,240.

Total Annual Hours Requested: 49,579.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, E-mail your request, including your address, phone number, and HCFA form number(s) referenced above, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of information requirements. However, as noted above, comments on these information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below within 4 working days of the publication of this notice in the **Federal Register**:

Health Care Financing Administration,
Office of Information Services,
Security and Standards Group,
Division of HCFA Enterprise
Standards, Room C2-26-17, 7500
Security Boulevard, Baltimore, MD
21244-1850, Fax Number: (410) 786-
1415, Attn: John Rudolph HCFA-R-
246
and
Office of Information and Regulatory
Affairs, Office of Management and

Budget, Room 10235, New Executive
Office Building, Washington, DC
20503, Fax Number: (202) 395-6974
or (202) 395-5167, Attn: Allison
Herron Eydt, HCFA Desk Officer.

Dated: June 25, 1998.

John P. Burke III,

*HCFA Reports Clearance Officer, HCFA,
Office of Information Services, Information
Technology Investment Management Group,
Division of HCFA Enterprise Standards.*

[FR Doc. 98-17664 Filed 7-1-98; 8:45 am]

BILLING CODE 4120-03-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA-855]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing
Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Medicare and Other Federal Health Care Programs Provider/Supplier Enrollment Application and Supporting Regulations in 42 CFR 410.32, 410.71, 413.17, 424.57, 424.73, 424.80, 440.30, and 484.12; *Form No.:* HCFA-855 (OMB# 0938-0685); *Use:* This information is needed to enroll providers and suppliers into the Medicare program by identifying them, pricing and paying their claims, and verifying their qualifications and eligibility to participate in Medicare.; *Frequency:* Initial Enrollment/Recertification;

Affected Public: Business or other for-profit, Individuals or Households, Not-for-profit institutions, and Federal Government; *Number of Respondents:* 225,000; *Total Annual Responses:* 225,000; *Total Annual Hours:* 435,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: June 25, 1998.

John P. Burke III,

*HCFA Reports Clearance Officer, HCFA Office
of Information Services, Security and
Standards Group, Division of HCFA
Enterprise Standards.*

[FR Doc. 98-17673 Filed 7-1-98; 8:45 am]

BILLING CODE 4120-03-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Review of R24 Resource-Related Research Projects.

Date: July 8, 1998.

Time: 11:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Rockledge II Building, NHLBI Conference Room 7214, Bethesda, MD 20892-7924, (Telephone Conference Call).

Contact Person: Valerie L. Prenger, PHD, Health Scientist Administrator, Review Branch, NIH, NHLBI, Rockledge Building II, 6701 Rockledge Drive, Suite 7198, Bethesda, MD 20892-7924, (301) 435-0297.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Pulmonary Immune Defenses and Their Regulation.

Date: July 13-14, 1998.

Time: 7:30 p.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Jon M. Ranhand, Ph.D., Review Branch, NIH, NHLBI, Rockledge Building II, 6701 Rockledge Drive, Suite 7188, Bethesda, MD 20892-7924, (301) 435-0280.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Review of Demonstration and Education (R18) Applications.

Date: July 14, 1998.

Time: 9:00 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton National Airport Hotel, 2399 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Louis P. Corman, Ph.D., Scientific Review Administrator, Review Branch, NIH, NHLBI, Rockledge Building II, 6701 Rockledge Drive, Suite 7180, Bethesda, MD 20892-7924, (301) 435-0270.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Disease Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: June 25, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98-17620 Filed 7-1-98; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: June 19, 1998.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Aida K. Vasquez, Grant Technical Assistant, Extramural Review Branch, National Institute on Alcohol Abuse and Alcoholism, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892, 301-443-9788.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: June 26, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98-17614 Filed 7-1-98; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes And Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1-GRB-8 O1 S.

Date: July 15-16, 1998.

Time: July 15, 1998, 8:30 am to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue, N.W., Washington, DC 20036.

Contact Person: Roberta J. Haber, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Natcher Building, Room 6AS-37, National Institutes of Health, Bethesda, MD 20892-6600, (301) 594-8898.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1-GRB-6 (03).

Date: July 28, 1998.

Time: 1:00 pm to Adjournment.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Bldg., 45 Center Drive, Room 6AS-37, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Neal A. Musto, Scientific Review Administrator, Review Branch, DEA, NIDDK, Natcher Building, Room 6AS-37A, National Institutes of Health, Bethesda, MD 20892-6600, (301) 594-7798.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 26, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98-17615 Filed 7-1-98; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant

applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel.

Date: July 8–10, 1998.

Time: July 8, 1998, 7:30 AM to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Omni New Haven Hotel, 155 Temple Street, New Haven, CT 06510.

Contact Person: Lakshmanan Sankaran, PHD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Natcher Building, Room 6AS–37, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–7799.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS.)

Dated: June 26, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–17616 Filed 7–1–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–4–04.

Date: July 13, 1998.

Time: 3:00 PM to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Natcher Bldg, Bethesda, MD 20892–6400 (Telephone Conference Call).

Contact Person: William Elzinga, PHD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Natcher Building, Room 6AS–37, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–8895.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 26, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–17617 Filed 7–1–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel Review of Immunology Grant Applications.

Date: July 23, 1998.

Time: 2:00 PM to adjournment.

Agenda: To review and evaluate grant applications.

Place: Solar Building Room 4C38, 6003 Executive Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Edward W. Schroder, Scientific Review Administrator.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 25, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–17618 Filed 7–1–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings:

Name of SEP: National Institute on Aging Special Emphasis Panel Review of Study for Women's Health Across the Nation.

Dates of Meeting: July 8–9, 1998.

Times of Meeting: July 8—7:00 p.m. to 10:00 p.m.; July 9—8:00 a.m. to adjournment.

Place of Meeting: Chevy Chase Holiday Inn, Bethesda, Maryland 20815.

Purpose/Agenda: To review grant application.

Contact Person: Dr. Paul Lenz, Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892–9205, (301) 496–9666.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the review and funding cycle.

Name of SEP: National Institute on Aging Special Emphasis Panel Longitudinal Measurement of Cardiovascular Parameters in Persons of Various Ages (Teleconference).

Date of Meeting: July 10, 1998.

Time of Meeting: 1:00 p.m. to adjournment.

Place of Meeting: Gateway Building, Room 2C212, 7201 Wisconsin Avenue, Bethesda, Maryland 20892.

Purpose/Agenda: To review on contract proposal.

Contact Person: Dr. Arthur Schaerdel, Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892–9205, (301) 496–9666.

Name of SEP: National Institute on Aging Special Emphasis Panel Review of grant application from RAND.

Date of Meeting: July 17, 1998.

Time of Meeting: 8:00 a.m. to 4:00 p.m.

Place of Meeting: Holiday Inn, 5520 Wisconsin Avenue, Bethesda, Maryland 20892.

Purpose/Agenda: To review a program project grant application.

Contact Person: Dr. Arthur Schaerdel, Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892–9205, (301) 496 9666.

This meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health)

Dated: June 25, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98-17619 Filed 7-1-98; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C., Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552(c)(6), Title 5, U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel SBIR Topic 52—Better Nitron Spin Trap for Oxygen Centered Radicals.

Date: July 16, 1998.

Time: 11:00 AM to 1:00 PM.

Agenda: To review and evaluate contract proposals.

Place: NIEHS, 79 T.W. Alexander Drive, Building 4401, Conference Room 3446, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: David Brown, MPH, Nat'l Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541-4964.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel SBIR Topic 54—Device/ Capability for Quantitative Assessment of Bone Strength in Rodents.

Date: July 17, 1998.

Time: 10:00 AM to 2:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIEHS, 79 T.W. Alexander Drive, Building 4401, Conference Room 3446, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: David Brown, MPH, Nat'l Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541-4964.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk

Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: June 25, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98-17621 Filed 7-1-98; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4281-N-05]

Notice of Proposed Information Collection: Comment Request

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of proposed information collection.

SUMMARY: For the Federal Empowerment Zone Initiative (Round One and Round Two), the proposed information collection requirements described below will be submitted to the Office of Management and Budget (OMB) for review and approval by September 1, 1998 for a three year period, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: August 31, 1998.

ADDRESSES: Interested parties are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Sheila Jones, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW, Room 7232, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: James Selvaggi, (202) 708-3773, ext 4647 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collections to OMB for review and approval, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). OMB has previously extended its approval of control number 2506-0148 through August 31, 1998; that extension covers

information collections for the Round Two 1998 application process as well as for periodic reporting and responses to warning letters for Round One (1994) and Round Two (1998) programs.

This Notice solicits comments concerning the proposed collection for information for both the Round Two (1998) Urban Empowerment Zone Initiative (including the application process, periodic reporting, and responding to warning letters) and the Round One (1994) Urban Empowerment Zone and Enterprise Community Initiative (including periodic reporting, and responding to warning letters), during the three year period starting September 1, 1998. Commenters may wish to: (1) evaluate whether the proposed collection of information is necessary for the proper management of the Urban Empowerment Zone Initiative by the agency, including whether or not the information has practical utility; (2) evaluate the accuracy of HUD's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond. This Notice also lists the following information:

Title of Proposal: 1998 Urban Empowerment Zone Program (Round Two)/1994 Urban Empowerment Zone and Enterprise Community Program (Round One).

OMB Control Number: 2506-0148.

Description of the need for the information and proposed use: The Taxpayer Relief Act of 1997 amended the Omnibus Budget Reconciliation Act of 1993 to authorize the Secretary of HUD to designate 15 more urban empowerment zones. These statutes together require three sets of data. First, applicants for EZ designates must submit data (a) demonstrating their eligibility to apply, (b) addressing problems/needs in the proposed zone area and described in their proposed strategic plan, (c) determined by the applicant to be related to measuring success of the proposed implementation plan, measuring any lack of progress in achieving the activities in the proposed implementation plan, and justifying any boundary changes for the zone. Second, the statutes require HUD to review, periodically, the progress of designated urban communities (both Round 1 of 1994 and Round 2 of 1998) in carrying out their implementation programs and achieving the goals of their strategic plans. The Secretary is directed to collect such periodic and other data as deemed necessary for the review of the designees' progress. A third set of data

is required in those rare cases where HUD would send a decertification warning letter to a designee, which then would submit data needed to rebut a proposed decertification.

A. Data for a Round Two 1998 EZ Application. Information to be collected consists of statutorily required data related to poverty by census tract; other measures of pervasive poverty, unemployment and economic/social distress; overall population by tract; and geographic data as to size and configuration.

B. Data for Round One and Round Two Periodic Reports. These data consist of a short narrative of progress by the designee and individual progress reports on each project they describe in their implementation plans.

C. Data refuting Possible Decertification. In instances where warning letters may be sent to Round One or Round Two designees, the collection burden would consist of narrative and data they select in order to rebut the federal argument for decertification.

How the information is planned to be used to further the proper performance of functions of the agency. HUD will use the applicant information as part of its respective review and approval procedures for selecting the 1998 EZ designees. This will be a one-time process. And for both the 72 Round One designees and the 15 Round Two communities which are designated, HUD will require the periodic reports to be submitted annually. The designees' annual progress reports provide management information for HUD, oversight information for the Vice President's Community Empowerment Board, and status reporting for the Congress. These periodic reviews also provide the basis for HUD to continue or revoke a designation during the ten-year life of the federal program. For potential decertifications, HUD would use the designees' rebuttal information to make a final decision regarding decertification.

Description of the likely respondents, including the estimated number of likely respondents, and proposed frequency of response to the collection of information:

HUD anticipates that 225 communities will apply in 1998 for Round Two designation; for the subsequent ten year designation period, HUD estimates that 15 Round Two designees will submit annual progress reports and 72 Round One designees will submit annual progress reports for the remainder of their ten year periods. Possibly five de-certification warning

letters may require rebuttal by designees.

Agency form numbers, if applicable: Nomination for a Federal Empowerment Zone, HUD 40003 (5-98).

Members of affected public: Units of Local Government and States; Non-Profit Organization; Interested Members of the Public.

Estimate of the total reporting and recordkeeping burden that will result from the collection of information:

Number of Round Two applicants: 225.

Total burden hours (@ 50 hours per response): 11,250.

Number of Annual Progress Reports: 15 Round Two @ 15 hrs: 225.

72 Round One @ 15 hrs: 1080.

Number of Rebuttals—5 @ 20 hours: 100.

Total Estimated Annual Burden Hours: 12,655.

Status of the proposed information collection: The public was twice invited to comment on the accuracy of this information collection burden, via a Notice of Proposed Information Collection published in the **Federal Register** on January 23, 1998, and via an Interim Notice of Rulemaking published in the **Federal Register** in April 16, 1998. HUD received no public comments in response to either publication. This Notice now informs the public that HUD is seeking OMB approval for three years of the control number 2506-0148, for continuing management of the urban EZ programs (Round One and Round Two).

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: June 26, 1998.

Kenneth Williams,
Deputy Assistant Secretary for Grant Programs, CPD.

[FR Doc. 98-17585 Filed 7-1-98; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4356-N-09]

Notice of Proposed Information Collection: Comment Request

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments due date:* August 31, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Vyllorya Evans, Office of Multifamily Housing, telephone number (202) 708-2866 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Application for Project Mortgage Insurance.

OMB Control Number, if applicable: 2502-0029.

Description of the need for the information and proposed use: This notice requests an extension of the use of Forms HUD-92013, HUD-92013-NHICF, 92013-HOSP, 90213 Supplement, applications for Multifamily Mortgage Insurance and their supporting exhibits that make up the basic application package for FHA-insurance on multifamily projects as authorized by Sections 207, 220, 221, 231, 232, 241, 242 of the National Housing Act. These project applications are submitted by project sponsors seeking feasibility determinations and by mortgagees applying for a

conditional or firm commitment for FHA mortgage insurance.

Agency form numbers, if applicable: HUD-92013, HUD-92013-NHICF, 92013-HOSP, 90213 Supplement.

Status of the proposed information collection: (Extension of currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: June 26, 1998.

Ira G. Peppercorn,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 98-17586 Filed 7-1-98; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4341-N-17]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708-1226; TTY number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following

categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B-41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the

landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following address: GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501-2059; (This is not a toll-free number).

Dated: June 25, 1998.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM, FEDERAL REGISTER REPORT FOR 07/02/98

Suitable/Available Properties

BUILDINGS (by State)

Montana

Forsyth Tech Operations Site
Forsyth Co: Rosebud MT 59327-
Landholding Agency: GSA
Property Number: 189610001
Status: Surplus
Comment: 6843 sq. ft. bldg. with 6.43 acres
of land, most recent use—AF training site.
GSA Number: 7-D-MT-609

[FR Doc. 98-17468 Filed 7-1-98; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4322-N-02]

Statement of Notice to Bidders Concerning Disclosure of Bids From Past HUD Mortgage Loan Sales

AGENCY: Office of the Secretary, HUD.

ACTION: Business Submitter Notice to Bidders Concerning Release by HUD of Their Bids Under the Freedom of Information Act.

SUMMARY: This notice sets forth the business submitter notice by the Department of Housing and Urban Development to bidders regarding release under the Freedom of Information Act of the bids they submitted on past HUD Mortgage Loan Sales.

EFFECTIVE DATES: July 2, 1998.

FOR FURTHER INFORMATION CONTACT: William Barth, Managing Attorney, FOIA Division, Room 10250, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone [202] 708-3866 (this is not a toll free number). Speech or hearing impaired individuals

may access this number via TTY by calling the toll free Federal Information Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: On February 27, 1998, the Department of Housing and Urban Development published a statement of policy regarding disclosure of mortgage loan sales information (63 FR 10031). The February, 1998, notice set forth the Department's policy pertaining to the release of records regarding those bids that the Department or its contractors had received to date under its mortgage loan sale program. The notice stated that, when requested to provide records pursuant to the Freedom of Information Act (FOIA), the Department would produce relevant records in its files including, where available: (1) All potential bidders receiving bid materials; (2) all successful bidders and their successful bids and the mortgage loans attributable to such bids; (3) all unsuccessful bidders and their unsuccessful bids and the mortgage loans attributable to such bids; (4) the aggregate proceeds the Department received from the sale; and (5) the aggregate number of bidders.

This notice serves as the business submitter notice authorized by 24 CFR 15.54 of the Department's FOIA regulations. The purpose of this notice is to provide bidders the opportunity to object to disclosure of their bids under the FOIA. Bidders shall have 10 working days from the date of publication of this notice in the **Federal Register** to provide the Department a detailed written statement of their objections to disclosure of the bid information under the FOIA. Such statement shall specify all grounds for withholding the information and shall demonstrate why the bid information is a trade secret or commercial or financial information that is privileged or confidential. Conclusory statements that the information would be useful to competitors or similarly conclusory statements generally will not be considered sufficient to justify confidential treatment. Bidders should submit their statements to the agency contact identified in this notice.

The Department will carefully consider a submitter's objections before determining whether to disclose the information. If the Department decides to disclose the information over the objections of the submitters, the Department will advise the submitter in a written notice its intent to disclose the information 10 working days before the specified disclosure date.

Authority: 5 U.S.C. 552; 24 CFR 15.54; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

Dated: June 22, 1998.

Ira Peppercorn,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 98-17584 Filed 7-1-98; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4363-N-01]

Announcement of OMB Approval Number for Economic Development Initiatives (EDI/BEDI) Grant Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB Approval Number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information pertaining to the Super Notice of Funding Availability for the Economic Development and Empowerment Programs: the Economic Development Initiative (EDI) and for the Brownfields Economic Development Initiative (BEDI) Grant Programs.

FOR FURTHER INFORMATION CONTACT: Either Stan Gimont or Paul Webster, Financial Management Division, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-1871. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to the Economic Development Initiative (EDI) and for the Brownfields Economic Development Initiative (BEDI) Grant Programs. The OMB approval number for this information collection is 2506-0153, which expires June 30, 2001.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number.

Dated: June 26, 1998.

Kenneth Williams,

Deputy Assistant Secretary for Grant Programs.

[FR Doc. 98-17587 Filed 7-1-98; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10 (a)(1)(A) of the Endangered Species Act of 1973, as amended (16 USC 1531 *et seq.*).

Permit No. 825572

Applicant: Jeff Dreier.

The applicant requests a permit to take (translocate cysts) the vernal pool tadpole shrimp (*Lepidurus packardii*) in conjunction with inoculating created habitat for the purpose of enhancing its survival in Alameda County, California.

Permit No. 702631

Applicant: Assistant Regional Director-Ecological Services, Region 1, Fish and Wildlife Service, Portland, Oregon.

The applicant requests a permit amendment to take (capture, handle, band, radio-tag, and release; haze, relocate, and kill) the peregrine falcon (*Falco peregrinus*) throughout the species range in conjunction with scientific research and management activities on peregrine falcons, especially with regard to their interactions with California least tern (*Sterna albifrons browni*) colonies and western snowy plovers (*Charadrius alexandrinus nivosus*) and take (collect for captive propagation, harass, handle) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with scientific research throughout the species range for the purpose of enhancing their survival.

Permit No. 745541

Applicant: S. J. M. Consultants, San Diego, California.

The applicant requests a permit to take (survey using taped vocalizations) the Yuma clapper rail (*Rallus longirostris yumanensis*) in conjunction with surveys in Imperial County, California, for the purpose of enhancing its survival.

Permit No. 787376

Applicant: Peter Bloom, Santa Ana, California.

The applicant requests a permit amendment to take (harass through

hazing) the peregrine falcon (*Falco peregrinus*) throughout the species range in conjunction with scientific research on peregrine falcons, especially with regard to their interactions with California least tern (*Sterna albifrons browni*) colonies and western snowy plovers (*Charadrius alexandrinus nivosus*), for the purpose of enhancing its survival.

Permit No. 783928

Applicant: California Department of Transportation, San Diego, California.

The applicant requests a permit amendment to take (capture, handle, and release) the desert pupfish (*Cyprinodon macularius*) in Imperial and Riverside Counties, California, in conjunction with presence or absence surveys, for the purpose of enhancing its survival.

Permit No. 785148

Applicant: Ogden Environmental, San Diego, California.

The applicant requests a permit amendment to take (capture, handle, and release) the San Bernardino kangaroo rat (*Dipodomys merriami parvus*) and the Amargosa vole (*Mocrotus californicus scirpensis*), and take (harass by survey) the Quino checkerspot butterfly (*Euphydryas editha quino*) and the southwestern willow flycatcher *Empidonax traillii eximius*) in conjunction with presence or absence surveys and ecological research throughout each species' range, for the purpose of enhancing their survival.

DATES: Written comments on these permit applications must be received on or before August 3, 1998.

ADDRESSES: Written data or comments should be submitted to the Chief, Division of Consultation and Conservation Planning, Ecological Services, Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232-4181; Fax: (503) 231-6243. Please refer to the respective permit number for each application when submitting comments. All comments, including names and addresses, received will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 20 days of the date of publication of this notice to the address above; telephone:

(503) 231-2063. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: June 24, 1998.

John H. Doebe,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 98-17593 Filed 7-1-98; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Big Game Guiding on National Wildlife Refuges in Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of solicitation.

SUMMARY: Notice is hereby given the U.S. Fish and Wildlife Service is soliciting proposals to conduct commercial big game guide services on several national wildlife refuges in Alaska.

DATES: Proposals should be postmarked by Monday, November 16, 1998, or hand delivered to the respective refuge manager by Friday, November 20, 1998.

ADDRESSES: Mail proposals to the refuge manager at the appropriate refuge as listed in the section, **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Tony Booth, Division of Refuges, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska, 99503; telephone (907) 786-3357 [TTY: (907) 786-3552].

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service is requesting proposals to conduct commercial big game guide services within use areas on several National Wildlife Refuges in Alaska. These offerings are for use areas which have become vacant or may become vacant soon. Big game guiding services will be authorized on these areas for the period July 1, 1999, through June 30, 2004. Authorizations to conduct guiding services in these areas will be awarded through a competitive selection process.

The offerings will include the following guide use areas:

Alaska Peninsula/Becharof Refuge—BCH-06, AKP-09

Address: Refuge Manager, Alaska Peninsula/Becharof National Wildlife Refuge, Post Office Box 277, King Salmon, Alaska 99613.

Arctic Refuge—ARC-01, 02, 15

Address: Refuge Manager, Arctic National Wildlife Refuge, 101 12th

Avenue, Box 20, Fairbanks, Alaska 99701.

Innoko Refuge—INN-03

Address: Refuge Manager, Innoko National Wildlife Refuge, Post Office Box 69, McGrath, Alaska 99627.

Kanuti Refuge—KAN-01

Address: Refuge Manager, Kanuti National Wildlife Refuge, 101 12th Avenue, Room 112, Fairbanks, Alaska 99701.

Kenai Refuge—KEN-02, 03

Address: Kenai National Wildlife Refuge, Post Office Box 2139, Soldotna, Alaska 99699-2139.

Koyukuk Refuge—KOY-02

Address: Koyukuk/Nowitna National Wildlife Refuge, Post Office Box 287, Galena, Alaska 99741.

Selawik Refuge—SEL-01

Address: Selawik National Wildlife Refuge, Post Office Box 270, Kotzebue, Alaska 99752.

The Service is also requesting proposals for the following refuge guide use areas where the Service proposes to not renew existing guiding permits. Interested qualified guides who apply for the following use areas should be aware that the availability of these areas is uncertain at this time because existing permittees may seek reconsideration or appeal a decision to not renew their permits. Since the Service does not plan to issue a separate notice for these tentative offerings, interested parties should submit proposals in response to this notice. These tentative offerings include the following areas:

Alaska Peninsula/Becharof Refuge—BCH-02, 03

Address: Alaska Peninsula/Becharof National Wildlife Refuge, Post Office Box 277, King Salmon, Alaska 99613.

Arctic Refuge—ARC-08

Address: Arctic National Wildlife Refuge, 101 12th Avenue, Box 20, Fairbanks, Alaska, 99701.

Izembek Refuge—IZM-02

Address: Izembek National Wildlife Refuge, Post Office Box 127, Cold Bay, Alaska 99571-0127.

Kodiak Refuge—KOD-14, 15

Address: Kodiak National Wildlife Refuge, 1390 Buskin River Road, Kodiak, Alaska 99615.

Koyukuk Refuge—KOY-03

Address: Koyukuk/Nowitna National Wildlife Refuge, Post Office Box 287, Galena, Alaska 99741.

A letter announcing these offerings is being sent to all State of Alaska registered big game guides. Proposals must be postmarked by Monday, November 16, 1998 or hand delivered to the appropriate refuge manager by 4:30

p.m., Alaska Standard Time, Friday, November 20, 1998.

Copies of the solicitation are available to any interested party by calling or writing the above telephone number/address.

Dated: June 11, 1998.

David B. Allen,

Regional Director, Anchorage, Alaska.

[FR Doc. 98-17667 Filed 7-1-98; 8:45 am]

BILLING CODE 4310-55-U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM-070-98-1430-00-P]

Emergency Closure of Public Lands to Motorized Vehicles Within the Butte Field Office, Butte, MT

AGENCY: Butte Field Office, Bureau of Land Management, DOI.

ACTION: Notice is hereby given that, pursuant to 43 CFR 8340.0-3, 8341.2(a), and 8364.1, the following closure shall take effect immediately in the area described in this notice within the jurisdiction of the Bureau of Land Management until the Whitetail-Pipestone Environmental Impact Statement (EIS) is completed with public involvement.

The following described lands administered by the Bureau of Land Management in the Whitetail-Pipestone project area are limited to use of existing roads and trails for all motorized vehicles, except snowmobiles. All existing roads and trails are open unless signed otherwise. These lands are bordered on the west by U.S. Interstate 15 from Butte to Boulder, on the east by the Whitetail Road from Boulder to Whitehall, and on the south by Highway 2 from Whitehall to Butte.

The purpose of the closure is to protect cultural resources and riparian areas, reduce erosion and new spread of noxious weeds in the area, and stop the proliferation of user-created trails. Most of the existing roads and trails will be open in the area during the closure order.

Pursuant to 43 CFR 8340.0-4, the following use is exempt from this order:

- (1) Any military, fire, emergency, or law-enforcement vehicle that is being used for emergency purposes;
 - (2) Any vehicle whose use is expressly authorized by the Authorized Officer or otherwise officially approved; and
 - (3) Vehicles in official use.
- More specifically, these lands are:

All BLM lands north of Highway 2 and south of Interstate 90 as follows:

N $\frac{1}{2}$ N $\frac{1}{2}$ of Sec. 6, T. 1 N., R. 5 W.
NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, of Sec. 2; N $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 3; N $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 4; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ of Sec. 9; S $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 10; SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 11; NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12; NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 14; T. 1 N., R. 6 W.
Secs. 23, 24, 25, 26, and 35 of T. 2 N., R. 6 W.
S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 19; all of Secs. 30 and 31; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 32, T. 2 N., R. 5 W.

All BLM lands north of Interstate 90 and south of the township line between T. 2 N. and T. 3 N. as follows:

N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, of Sec. 6; W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Sec. 18, NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 26, T. 2 N., R. 4 W.
All of Secs. 2, 5, 7, 8, 9, and 10; SW $\frac{1}{4}$ of Sec. 14; all of Secs. 15, 17, and 18; NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 19; N $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 20; N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 21; N $\frac{1}{2}$, SE $\frac{1}{4}$ of Sec. 22; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ of Sec. 24, T. 2 N., R. 5 W.

All BLM lands north of the township line between T. 2 N. and T. 3 N., south of the township line between T. 4 N. and T. 5 N., and west of the Whitetail Road as follows:

All of Secs. 11, 12, 13, 14, 23, and 24 except mining claims in Sec. 11, T. 2 N., R. 6 W.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 4; all of Sec. 6; W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ of Sec. 8; W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ of Sec. 32, T. 3 N., R. 4 W.
All of Secs. 25, 26, and 35, T. 3 N., R. 5 W.
E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 4; NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ of Sec. 5; NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 8; W $\frac{1}{2}$ of Sec. 17; W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 20; N $\frac{1}{2}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 28; all of Secs. 30 and 31, T. 4 N., R. 4 W.

All BLM lands north of the township line between T. 4 N. and T. 5 N., south of Interstate 15, and west of Highway 69 that runs between Boulder and Whitehall, as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 19; SE $\frac{1}{4}$ of Sec. 30; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 32, T. 5 N., R. 3 W.
W $\frac{1}{2}$ of Sec. 5; all of Sec. 6; W $\frac{1}{2}$, SE $\frac{1}{4}$ of Sec. 8; SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 13; SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 14, T. 5 N., R. 4 W.
W $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 31; SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 32, T. 6 N., R. 4 W.

All BLM lands south of U.S. Interstate 15 as follows:

S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 15; S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 16; SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 17; S $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 22; SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 23; SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 24; W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 25, T. 6 N., R. 5 W.

The authorities for this closure are 43 CFR 8340.0-3, 8341.2, and 8364.1. The closure will remain in effect until the Recreation Management Plan

Environmental Impact Statement for this area is completed.

ADDRESSES: Copies of the closure order and maps showing the location of the closed areas are available from the Bureau of Land Management, Butte Field Office, 106 North Parkmont, P.O. Box 3388, Butte, Montana 59702, telephone 406-494-5059.

FOR FURTHER INFORMATION CONTACT:

Merle Good, Field Manager, Butte Field Office, P.O. Box 3388, Butte, Montana 59702; telephone 406-494-5059.

Dated: June 25, 1998.

Merle Good,

Field Manager.

[FR Doc. 98-17703 Filed 7-1-98; 8:45 am]

BILLING CODE 4310-DN-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-921-41-5700; WYW138133]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

June 18, 1998.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW138133 for lands in Campbell County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination. The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$10.00 per acre, or fraction thereof, per year and 16 $\frac{2}{3}$ percent, respectively.

The lessee has paid the required \$500 administrative fee and \$125 to reimburse the Department for the cost of this Federal Register notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW138133 effective February 1, 1998, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Chief, Leasable Minerals Section.

[FR Doc. 98-17654 Filed 7-1-98; 8:45 am]

BILLING CODE 4310-22-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****[WY-921-41-5700; WYW126395]****Notice of Proposed Reinstatement of Terminated Oil and Gas Lease**

June 18, 1998.

Pursuant to the provisions of 30 U.S.C. 188(d) and (3), and 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW126395 for lands in Weston County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination. The lease has agreed to the amended lease terms for rentals and royalties at rates \$5.00 per acre, or fraction thereof, per year and 16 $\frac{2}{3}$ percent, respectively.

The lessee has paid the required \$500 administrative fee and \$125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW126395 effective March 1, 1998, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,*Chief, Leasable Minerals Section.*

[FR Doc. 98-17655 Filed 7-1-98; 8:45 am]

BILLING CODE 4310-22-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****[WY-921-41-5700; WYW138134]****Notice of Proposed Reinstatement of Terminated Oil and Gas Lease**

June 18, 1998.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW138134 for lands in Campbell County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination. The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$10.00 per acre, or fraction thereof, per year and 16 $\frac{2}{3}$ percent, respectively.

The lessee has paid the required \$500 administrative fee and \$125 to reimburse the Department of the cost of the **Federal Register** notice. The lessee

has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW138134 effective February 1, 1998, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,*Chief, Leasable Minerals Section.*

[FR Doc. 98-17656 Filed 7-1-98; 8:45 am]

BILLING CODE 4310-22-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****[C-930-1430-01; COC-47115]****Public Land Order No. 7345; Revocation of Public Land Order No. 6803; Colorado****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Public land order.

SUMMARY: This order revokes, in its entirety, a public land order that withdrew 30 acres of public land for a Forest Service administrative site. The land is no longer needed for this purpose and the Forest Service has relinquished the withdrawal. This action will open the land to the operation of the public land laws. The land is temporarily closed to mining due to a pending land exchange proposal. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: August 3, 1998.**FOR FURTHER INFORMATION CONTACT:**

Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215-7076, 303-239-3706.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Public Land Order No. 6803, which withdrew public land for the Forest Service Sulphur Center Administrative Site, is hereby revoked in its entirety:

Sixth Principal Meridian

T. 1 N., R. 76 W., sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 30 acres in Grand County.

2. At 9 a.m. on August 3, 1998, the land will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations

of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on August 3, 1998, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: June 18, 1998

Bob Armstrong,*Assistant Secretary of the Interior.*

[FR Doc. 98-17657 Filed 7-1-98; 8:45 am]

BILLING CODE 4310-JB-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****[UT-060-08-1040-00]****Moratorium on Issuance of New Commercial Permits and Rights-of-Way in Mill Creek Canyon****AGENCY:** Bureau of Land Management, Department of Interior.

ACTION: Notice of moratorium on authorization of new commercial permits and rights of way for Mill Creek Canyon pending completion of a special management plan.

SUMMARY: This notice places a moratorium on issuance of all new commercial permits including new special recreation and filming permits and rights of way authorized by the Moab Field Office for Mill Creek Canyon near Moab, Utah. This action is implemented under the authority of 43 CFR 2800, 2920 and 8372.

Increased recreation and other use of public lands in Mill Creek Canyon has adversely impacted wildlife, vegetation, soil, water quality, visual and cultural resources and poses a threat to public health and safety and enjoyment of the lands. This area encompasses lands under BLM management within one-quarter (1/4) mile of the stream, from the public land boundary west of the Power Dam to the Forest Service boundary, in both forks of the canyon including Rill Canyon.

The purpose and need for preparation of a special management plan for the area has been determined through public scoping. To prevent foreclosure of management options in that plan, issuance of additional special recreation and filming permits, rights-of-way, and all other commercial use permits is hereby suspended. Limiting new permits is one way to control future resource damage, ensure the sustainability of existing resources, and allow unhindered consideration and possible adoption of use ceilings, pending completion of the management plan.

It will also respond to public requests for limitations on commercial uses, rights-of-way, or any publicized use of the area pending completion of the plan. No limitation or suspension of existing permits is created by this moratorium nor is any limitation created affecting previously pending permits or rights-of-way. This notice does not affect existing or future authorizations on the Flat Pass Trail.

Maps of the moratorium area are available in the Moab Field Office.

DATES: This restriction shall remain in effect pending revision of the resource management plan for the Grand Resource Area or completion of a special management plan for South Mill Creek Canyon or until updated by the authorized officer.

FOR FURTHER INFORMATION CONTACT: Brad Palmer, Moab Field Office, 82 East Dogwood Avenue, Moab, Utah 84532 at (435) 259-6111.

Dated: June 22, 1998

Brad Palmer,

Acting Moab Field Office Manager.

[FR Doc. 98-17653 Filed 7-1-98; 8:45 am]

BILLING CODE 4310-DQ-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Announcement of Posting of Invitation for Bids on Crude Oil From Federal Leases in Wyoming

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of IFB on Federal crude oil in the State of Wyoming.

SUMMARY: The Minerals Management Service (MMS) will post on MMS's Internet Home Page and make available in hard copy an Invitation for Bids (IFB) offering of approximately 3,700 barrels per day (bpd) of crude oil to be taken as royalty-in-kind (RIK) from Federal leases in Wyoming's Bighorn and Powder River Basins. The oil will be sold publicly by competitive bid.

DATES: The IFB will be posted on MMS's Internet Home Page on or about July 1, 1998. Bids will be due to MMS on or about July 31, 1998. MMS will notify successful bidders on or about August 17, 1998. The Federal Government will begin actual taking of royalty volumes for a 6-month period beginning on or about October 1, 1998.

ADDRESSES: The IFB will be posted on MMS's Home page at <http://www.rmp.mms.gov> under the icon "What's New." The IFB may also be obtained by contacting Ms. Betty Estey

at the address in the **FURTHER INFORMATION** section. Bids should be submitted to the address provided in the IFB.

FOR FURTHER INFORMATION CONTACT: For additional information on MMS's RIK pilots, contact Mr. Bonn J. Macy, Minerals Management Service, 1849 C Street, NW, MS 4230, Washington, DC 20240; telephone number (202) 208-3827; fax (202) 208-3918; e-mail Bonn.Macy@mms.gov. For additional information concerning the IFB document, terms, and process, contact Ms. Betty Estey, Minerals Management Service, MS 2510, 381 Elden Street, Herndon, VA 20170-4817; telephone number (703) 787-1352; fax (703) 787-1009; e-mail Betty.Estey@mms.gov.

SUPPLEMENTARY INFORMATION: The offering of crude oil in the IFB is Phase I of the first of MMS's three planned RIK pilots. The other two RIK pilots will be in the Gulf of Mexico. MMS's objective in all its pilots is to identify the circumstances under which taking oil and gas royalties as a share of production, or RIK, is a viable alternative to MMS's usual practice of collecting oil and gas royalties as a share of the value received by the lessee for sale of the production. The Wyoming pilot is a joint project with the State of Wyoming expected to last 2 to 3 years.

The sale will involve approximately 3,700 bpd of crude oil from some 186 Federal properties located in Wyoming's Bighorn and Powder River Basins.

Purchasers may bid on individual properties and/or on the entire packages of Wyoming sweet crude oil (1,051 bpd), Wyoming general sour crude oil (890 bpd), or Wyoming asphaltic sour crude oil (1,782 bpd). Bids will be due as specified in the IFB on or about July 31, 1998; successful bidders will be notified on or about August 17, 1998.

The following are some of the additional details regarding the offerings that will be posted in the IFB on or about July 1, 1998:

- List of specific properties;
- For each property, royalty rate(s), average daily royalty volume, quality, transportation method (truck/pipe), and current transporter and operator;
- Bid basis;
- Reporting requirements;
- Terms and conditions; and
- Contract format.

The internet posting and availability of the IFB in hard copy are being announced in oil and gas trade journals as well as in this **Federal Register** notice.

Dated: June 26, 1998.

Walter D. Cruickshank,

Associate Director for Policy and Management Improvement.

[FR Doc. 98-17694 Filed 7-1-98; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Glen Canyon Adaptive Management Work Group; Notice of Meeting

AGENCY: Bureau of Reclamation.

ACTION: Public meetings of the Glen Canyon Adaptive Management Work Group (AMWG) and Glen Canyon Technical Work Group (TWG).

SUMMARY: The Glen Canyon Adaptive Management Work Group will conduct public meetings to discuss administrative and program related issues. The following agenda items will be discussed during this meeting: Administrative issues, Formation of the Science Advisory Board, Installation of Flashboards on Glen Canyon Dam, Beach Building Flows, Hydrology, Grand Canyon Conceptual Model, Lake Powell Monitoring and Research, Temperature Control Device, Cultural Resources, 1998 April-May Dam Releases, and Budgetary Issues. The TWG will be meeting to discuss future Beach Building Flows and Research Activities in Lake Powell. This TWG meeting is in addition to the meeting previously scheduled on July 23 in the **Federal Register** notice dated March 17, 1998.

DATE AND LOCATION: The AMWG public meeting will be held at the following time and location:

Phoenix, Arizona—July 21-22, 1998. The two-day meeting will begin at 9:30 a.m. on the first day and conclude at 3:30 p.m. on the second day. The meeting will be held at the Embassy Suites, 1515N. 44th St., Phoenix, Arizona.

DATE AND LOCATION: The additional TWG public meeting will be held at the following time and location:

Phoenix, Arizona—July 20, 1998. The meeting will begin at 1:00 p.m. and end at 4:00 p.m. The meeting will be held at the Embassy Suites, 1515N. 44th St., Phoenix, Arizona.

Time will be allowed at each meeting for any individual or organization wishing to make formal oral comments (limited to 10 minutes), but written notice must be provided at least FIVE (5) days prior to the meeting to Mr. Bruce Moore, Bureau of Reclamation, Upper Colorado Regional Office, 125

South State Street, Room 6107, Salt Lake City, Utah 84138-1102, telephone (801) 524-3702, faxogram (801) 524-5499, e-mail at bmoore@uc.usbr.gov.

Official agenda for the AMWG meeting is available now on the Bureau of Reclamation's website under the Adaptive Management Program at: <http://www.uc.usbr.gov>.

Dated: June 29, 1998.

Eluid L. Martinez,

Commissioner, Bureau of Reclamation.

[FR Doc. 98-17690 Filed 7-1-98; 8:45 am]

BILLING CODE 4310-94-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-34,643]

Amoco Exploration and Production, Natural Gas Group Operating in the State of Texas; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on June 8, 1998 in response to a worker petition which was filed on behalf of workers at Amoco Gas Company, Texas City, Texas.

All workers of the subject firm are covered under an existing certification (TA-W-32,660K).

Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C. this 22nd day of June 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-17640 Filed 7-1-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-33,922]

Anitec Image Corporation A/K/A Kodak Polychrome Graphics, Binghamton, New York; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the

Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on January 9, 1998, applicable to workers of Anitec Image Corporation located in Binghamton, New York. The notice was published in the **Federal Register** on February 6, 1998 (63 FR 6209).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information provided by the State agency and confirmed by company officials reveal that Anitec Image Corporation was purchased by Kodak Polychrome Graphics on April 30, 1998. Consequently, some of the workers at Binghamton producing photographic film paper and related products have had their wages reported under the unemployment insurance (UI) tax account for Kodak Polychrome Graphics.

The intent of the Department's certification is to include all workers of the subject firm in Binghamton, New York adversely affected by increased imports. Accordingly, the Department is amending the certification to reflect that Anitec Image Corporation is under the new ownership of Kodak Polychrome Graphics.

The amended notice applicable to TA-W-33,922 is hereby issued as follows:

All workers of Anitec Image Corporation, also known as Kodak Polychrome Graphics, Binghamton, New York who became totally or partially separated from employment on or after December 14, 1997 through January 8, 2000, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 22nd day of June 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-17638 Filed 7-1-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Acting Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 13, 1998.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 13, 1998.

The petitions filed in this case are available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 15th day of June, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX
[Petitions instituted on 06/15/98]

TA-W	Subject firm (Petitioners)	Location	Date of petition	Product(s)
34,645	Celanese (UNITE)	Narrows, VA	06/02/98	Cellulose Acetate.
34,646	Lam Research, Inc (Wrks)	Wilmington, MA	05/20/98	Improving Mfg Process, Quality Control.
34,647	Wells Lamont (Comp)	El Paso, TX	05/24/98	Gloves.
34,648	Tiffany Fabrics (Comp)	New York, NY	04/24/98	Printed Fabrics for Apparel.
34,649	Trident Automotive (Wrks)	Blytheville, AR	06/01/98	Automotive Cables.
34,650	BTR Sealing Systems (UNITE)	Maryville, TN	06/01/98	Weatherstripping for Cars & Trucks.
34,651	General Mfg. Co., Inc (Comp)	Opp, AL	05/29/98	Men's Denim Jeans.
34,652	Gates Rubber Co. (The) (Comp)	Jefferson, NC	05/12/98	Vulco Flex Hose.
34,653	Runo Graphic Comm. (Wrks)	Portland, OR	05/03/98	Box Labels, Printed Articles.
34,654	Selmet, Inc/REM Products (Wrks)	Albany, OR	05/28/98	Titanium Golf Club Heads.
34,655	Tri Americas (Wrks)	El Paso, TX	05/07/98	Jeans.
34,656	McCabe Packing Co (Comp)	Taylorville, IL	06/05/98	Beef Carcasses.
34,657	Cowtown Boot Co (Wrks)	El Paso, TX	05/28/98	Boots.
34,658	IRI International Corp (Comp)	El Dorado, KS	06/03/98	Oilfield Drilling Equipment.
34,659	Champion Pacific Timber (Comp)	Lebanon, OR	06/04/98	Seedlings for Reforestation.
34,660	Gloria Corp. (The) (Comp)	Ada, OK	06/04/98	Crude Oil.
34,661	EJ Footwear Corp (Comp)	Endicott, NY	06/03/98	Footwear.
34,662	General Electric (IUE)	Memphis, TN	06/01/98	Automotive Lamps.

[FR Doc. 98-17644 Filed 7-1-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Acting Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted

investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address show below, not later than July 13, 1998.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 13, 1998.

The petitions filed in this case are available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of June, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX
[Petitions Instituted On 06/08/98]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
34,615	Empire Print Works (Wrks)	West Hazleton, PA	05/26/98	Printing Fabrics.
34,616	Springfield Manufacturing (Wrks)	Springfield, GA	05/29/98	Ladies Sportswear.
34,617	Virginia Apparel (Wrks)	Rocky Mount, VA	05/27/98	Woven Shorts, Pants and Skirts.
34,618	Philips Components (Wrks)	Saugerties, NY	05/20/98	Ferrite Cores.
34,619	ITT Cannon (Co.)	Nogales, AZ	05/20/98	Electronic Interconnect Systems.
34,620	Weck Closure Systems (Wrks)	Resrch Triangle, NC	05/26/98	Surgical Instrument.
34,621	Strategic Finishing (Wrks)	Tualatin, OR	05/18/98	Paints, Finished Coatings on Autos.
34,622	Creative Apparel (Wrks)	Andrews, SC	05/19/98	T-Shirts.
34,623	Pillowtex (Co.)	Monroe, NC	05/15/98	Blankets.
34,624	IDE Corp.—Idea Courier (Wrks)	Phoenix, AZ	05/26/98	Assemble & Test Printed Circuit Boards.
34,625	Nutri Metics Inter'l (Wrks)	Cerritos, CA	05/26/98	Skincare Products.
34,626	Oregon Glove Co (Wrks)	Salem, OR	05/21/98	Work Gloves.
34,627	DMC Prings (Wrks)	New York, NY	05/19/98	Rayon Printed Fabrics.
34,628	Gilroy Canning Company (IBT)	Gilroy, CA	05/28/98	Canned Tomatoes and Tomato Products.
34,629	Stewman Fashions (Wrks)	Ardmore, TN	05/26/98	Shorts and Boy's Dress Shirts.
34,630	Kvaerner Metals (Wrks)	Pittsburgh, PA	04/13/98	Design Drawings.
34,631	Donnkenny Apparel, Inc (Wrks)	Rural Retreat, VA	05/04/98	Blouses, Sweatshirts, T-Shirts.
34,632	MacMillan Bloedel (Wrks)	Spokane, VA	04/07/98	Solid Wood Products, Timbers, Siding.

APPENDIX—Continued
[Petitions Instituted On 06/08/98]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
34,633	Datagold, Inc (Wkrs)	Mocanaqua, PA	05/28/98	Expanding Accordion File Folders.
34,634	Gould Electronics, Inc (IBEW)	Newburyport, MA	04/20/98	Electrical Fuses.
34,635	Thermodisc—Rittenhouse (Co.)	Honeoye Falls, NY	05/27/98	Automotive Electronic Modules.
34,636	McCreary Mfg Co (Wkrs)	Stearns, KY	05/28/98	Mean's Shirts and Ladies' Blouses.
34,637	Carol Ann Fashions, Inc (Wkrs)	Hastings, PA	05/27/98	Ladies' Sportswear.
34,638	Ohmite Mfg (UPIU)	Huntington, IN	05/26/98	Resistors, Brakes.
34,639	Breed Technologies (Co.)	Greenville, AL	06/01/98	Seat Belts and Air Bag Parts.
34,640	Heiser Egan (UNITE)	New York, NY	05/24/98	Ladies' Dresses.
34,641	J and J Lingerie (UNITE)	Glens Falls, NY	05/22/98	Ladies' Intimate Apparel.
34,642	Pittsburgh Tube Co. (USWA)	Moon Township, PA	05/27/98	Mechanical Tubing.
34,643	Amoco Gas Co (Wkrs)	Texas City, TX	05/29/98	Natural Gas.
34,644	Forest Furniture (Co.)	Lapine, OR	05/27/98	Rustic Pine Furniture.

[FR Doc. 98-17641 Filed 7-1-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-34,443]

Hart Textiles Sikeston, Missouri; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 13, 1998 in response to a worker petition which was filed on March 30, 1998 on behalf of workers at Hart Textiles, located in Sikeston, Missouri.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 15th day of June, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-17642 Filed 7-1-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-34,592]

The Paper Magic Group Incorporated, Reynosa, Mexico; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 26, 1998 in response to a worker petition which was filed on April 23, 1998 on behalf of workers at

The Paper Magic Group Inc., Reynosa, Mexico.

During the course of the investigation it was revealed that the workers' firm was located outside of the United States. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 15th day of June, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-17643 Filed 7-1-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-33,581 & 581A]

Pro-Line Cap Company, et al.; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on November 17, 1997, applicable to all workers of Pro-Line Cap Company, Bowie, Texas. The notice was published in the **Federal Register** on December 10, 1997 (62 FR 65100).

At the request of the petitioners, the Department reviewed the certification for workers of the subject firm. New information received from the company shows that worker separations occurred at Pro-Line's two Fort Worth, Texas locations: (1) White Settlement Road, headquarters office, accounts and customer service and (2) Jennings Avenue location, embroidery and warehousing. The entire company closed February 3, 1998. The workers

produced athletic headwear (officially licensed, National Football League, National Hockey League and Major League Baseball caps).

The intent of the Department's certification is to include all workers of Pro-Line Cap Company who were adversely affected by increased imports.

Accordingly, the Department is amending the certification to cover the workers of Pro-Line Cap Company, also known as Star Point Enterprise, Incorporated, also known as Caryle Golf, Incorporated location on White Settlement Road; and Jennings Avenue in Fort Worth, Texas.

The amended notice applicable to TA-W-33, 581 is hereby issued as follows:

All workers of Pro-Line Cap Company, also known as Star Point Enterprises, Incorporated, also known as Carlye Golf, Incorporated, Bowie, Texas (TA-W-33,581), 8224 White Settlement Road, and 512 Jennings Avenue, Fort Worth, Texas (TA-W-33,581A) who became totally or partially separated from employment on or after May 9, 1996 through November 17, 1999 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington D.C. this 22nd day of June, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-17639 Filed 7-1-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA-002364]

The Paper Magic Group Incorporated, Reynosa, Mexico; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement

Implementation Act and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2331), an investigation was initiated on April 30, 1998, in response to a petition filed on April 23, 1998 on behalf of workers at The Paper Magic Group Inc., Reynosa, Mexico.

During the course of the investigation it was revealed that the workers' firm was located outside of the United States. Therefore, further investigation would serve no purpose and the investigation has been terminated.

Signed in Washington, DC this 15th day of June 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98-17645 Filed 7-1-98; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Prohibited Transaction Exemption 94-71

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95), 44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of a currently approved collection of information, Prohibited Transaction Exemption 94-71. A copy of the proposed information collection request (ICR) can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before August 31, 1998.

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarify the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Washington, DC 20210, (202) 219-4782 (this is not a toll-free number), FAX (202) 219-4745.

SUPPLEMENTARY INFORMATION:

I. Background

Class Exemption 94-71 exempts certain transactions authorized by a settlement agreement resulting from an investigation of an employee benefit plan pursuant to the authority of section 504(a) of the Employee Retirement Income Security Act of 1974 (ERISA) from prohibitions set forth in sections 406 and 407(a) of ERISA. The conditions of the exemption include certain notice and disclosure requirements, which are intended to protect the interests of plan participants and beneficiaries. At least 30 days prior to engaging in the transaction described in the settlement agreement, a party who will be engaging in the transaction or activity must provide written notice to affected participants and beneficiaries in a manner reasonably calculated to result in receipt of the notice. The notice and method of distribution must be approved by the Department's office which negotiated the settlement.

II. Current Actions

The ICR included in this exemption is intended to facilitate voluntary settlements arising from investigations involving Title I of ERISA, while ensuring that participants and beneficiaries have adequate information concerning matters which may affect their benefits. In the absence of Prohibited Transaction Exemption 94-71, parties wishing to enter into certain

types of transactions pursuant to settlement agreements would be required to apply for individual exemptions. Therefore, the Pension and Welfare Benefits Administration intends to request Office of Management and Budget approval of this ICR beyond its September 30, 1998 expiration date.

Type of Review: Extension.

Agency: Department of Labor, Pension and Welfare Benefits Administration.

Title: Prohibited Transaction

Exemption 94-71.

OMB Number: 1210-0091.

Affected Public: Business or other for-profit, Not-for-profit institutions, Individuals.

Total Respondents: 10.

Frequency: On occasion.

Total Responses: 10.

Estimated Total Burden Hours: 1010 hours.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 26, 1998.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

[FR Doc. 98-17565 Filed 7-1-98; 8:45 am]

BILLING CODE 4510-29-M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Employee Retirement Income Security Act of 1974 (ERISA) Technical Release 91-1

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Pension and Welfare

Benefits Administration is soliciting comments concerning the proposed extension of a currently approved collection of information, ERISA Technical Release 91-1. A copy of the proposed information collection of information (ICR) can be obtained by containing the individual listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before August 31, 1998.

The Department of Labor (Department) is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Washington, DC 20210, (202) 219-4782 (not a toll-free number), FAX (202) 219-4745.

SUPPLEMENTARY INFORMATION:

I. Background

ERISA section 101(e) sets forth certain notice requirements which must be satisfied before an employer may transfer excess assets from a defined benefit plan to a retiree health benefit account as otherwise permissible after satisfying the conditions set forth in section 420 of the Internal Revenue Code of 1986, as amended (Code). Section 101(e)(1) describes the plan administrator's obligation to provide advance written notification of such transfers to participants and beneficiaries. Section 101(e)(2)(A) describes the employer's obligation to provide advance written notification to the Secretaries of Labor and Treasury, the administrator, and each employee organization representing participants in the plan. The ICR included in ERISA Technical Release 91-1 provides guidance on the type of information to

be provided in the notices to both the participants and beneficiaries and the Secretaries.

II. Current Actions

The advance notice requirements with respect to transfers of excess assets from defined benefit plans to retiree health benefit account are specifically established in ERISA section 101(e). The provisions of ERISA Technical Release 91-1 are intended to assist plan sponsors in complying with these statutory requirements and to ensure that plan participants and beneficiaries receive information concerning transactions that may affect their benefits. As such, the Pension and Welfare Benefits Administration intends to request an extension of this ICR beyond its September 30, 1998, expiration date.

Type of Review: Extension.

Agency: Department of Labor, Pension and Welfare Benefits Administration.

Title: ERISA Technical Release 91-1.

OMB Number: 1210-0084.

Affected Public: Business or other for-profit, Not-for-profit institutions, Individuals.

Total Respondents: 40.

Frequency: On occasion.

Total Responses: 140,000.

Estimated Total Burden Hours: 3,540.

Comments submitted in response to this notice will be summarized and/or included in the requested for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 26, 1998.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

[FR Doc. 98-17566 Filed 7-1-98; 8:45 am]

BILLING CODE 4510-29-M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Prohibited Transaction Class Exemption 81-6

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork

Reduction Act of 1995 (PRA 95) 44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of a currently approved collection of information, Prohibited Transaction Class Exemption 81-6. A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before August 31, 1998.

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Washington, DC 20210, (202) 219-4782 (this is not a toll-free number), FAX (202) 219-4745.

SUPPLEMENTARY INFORMATION:

I. Background

Prohibited Transaction Class Exemption 81-6 permits an employee benefit plan to lend securities to a broker-dealer registered under the Securities Exchange Act of 1934 or to a bank, provided certain conditions are met. In the absence of an exemption, securities lending transactions would be prohibited under circumstances where the borrowing broker-dealer or bank is a party in interested or disqualified person with respect to the plan under

the Employee Retirement Income Security Act (ERISA) or the Internal Revenue Code (Code).

II. Current Actions

This existing collection of information should be continued because without the relief provided by this exemption, securities lending transactions would be prohibited under circumstances where the borrowing broker-dealer or bank is a party in interest or disqualified person with respect to the plan under the Employee Retirement Income Security Act (ERISA) or the Internal Revenue Code (Code). The recordkeeping requirements incorporated within the class exemption are intended to protect the interests of plan participants and beneficiaries. The class exemption has two basic information collection requirements. The first requires the borrower of the plan securities to report certain information to the lending plan fiduciary, and the second calls for a written agreement between the lending plan and the borrower.

Type of Review: Extension.

Agency: Pension and Welfare Benefits Administration.

Title: Prohibited Transaction Class Exemption 81-6.

OMB Number: 1210-0065.

Affected Public: Business or other for-profit, Not-for-profit institutions, Individuals.

Total Respondents: 18,245.

Frequency: On occasion.

Total Responses: 36,490.

Average Time Per Response: 5 minutes.

Estimated Total Burden Hours: 3,041.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 26, 1998.

Gerald B. Lindrew,

*Deputy Director, Office of Policy and Research
Pension and Welfare Benefits Administration.*

[FR Doc. 98-17567 Filed 7-1-98; 8:45 am]

BILLING CODE 4510-29-M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Prohibited Transaction Exemption T88-1

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) 44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of a currently approved collection of information, Prohibited Transaction Exemption T88-1. A copy of the proposed information collection request (ICR) can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before August 31, 1998.

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarify the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Washington, DC 20210, (202) 219-4782 (this is not a toll-free number), FAX (202) 219-4745.

SUPPLEMENTARY INFORMATION:

I. Background

Prohibited Transaction Exemption T88-1 adopts, for purposes of the prohibited transaction provisions of section 8477(c)(2) of the Federal

Employees' Retirement System Act of 1986 (FERSA), certain prohibited transaction class exemptions (the Class Exemptions) granted pursuant to section 408(a) of the Employee Income Security Act of 1974.

II. Current Actions

This existing collection of information should be continued because without the relief provided by this exemption, certain transactions described in the Class Exemptions might be prohibited by the prohibited transaction provisions of FERSA. The recordkeeping requirements incorporated within the class exemption are intended to protect the interests of plan participants and beneficiaries.

Type of Review: Extension.

Agency: Pension and Welfare Benefits Administration.

Title: Prohibited Transaction Exemption T88-1.

OMB Number: 1210-0074.

Affected Public: Business or other for-profit institutions, Individuals.

Total Respondents: 1.

Frequency: On occasion.

Total Responses: 1.

Average Time Per Response: 1 hour.

Estimated Total Burden Hours: 1

hour.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 26, 1998.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

[FR Doc. 98-17568 Filed 7-1-98; 8:45 am]

BILLING CODE 4510-29-M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Final Regulation Relating to Loans to Plan Participants and Beneficiaries Who Are Parties in Interest With Respect to the Plan

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in

accordance with the Paperwork Reduction Act of 1995 (PRA 95) 44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of a currently approved collection of information, that is included in the final regulation relating to loans to plan participants and beneficiaries who are parties in interest with respect to the plan (29 CFR § 2550.408b-1). A copy of the proposed information collection request (ICR) can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before August 31, 1998.

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarify the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Washington, DC 20210, (202) 219-4782 (this is not a toll-free number), FAX (202) 219-4745.

SUPPLEMENTARY INFORMATION:

I. Background

The Employee Retirement Income Security Act of 1974 (ERISA) prohibits a fiduciary with respect to a plan from causing the plan to engage in the direct or indirect lending of money or other extension of credit between the plan a party in interest. ERISA section

408(b)(1) exempts loans made by a plan to parties in interest who are participants and beneficiaries of the plan from this prohibition provided that certain requirements are satisfied. One such requirement is that loans to participants must be made in accordance with specific provisions regarding such loans set forth in the plan. In final regulations published in the **Federal Register** on July 20, 1989 (54 FR 30520), the Department of Labor provided additional guidance on section 408(b)(1)(C), which requires that loans must be made in accordance with specific provisions set forth in the plan. This ICR relates to the specific provisions which must be included in plan documents for those plans which permit loans to participants.

II. Current Actions

This existing collection of information should be continued because it ensures that participants and beneficiaries are provided with adequate information with respect to matters affecting their benefits. This ICR also provides additional guidance concerning the statutory requirement that loans to participants be made in accordance with specific written plan provisions.

Type of Review: Extension.

Agency: Pension and Welfare Benefits Administration.

Title: Final Regulation Relating to Loans to Plan Participants and Beneficiaries who are Parties in Interest with Respect to the Plan.

OMB Number: 1210-0076.

Affected Public: Business or other for-profit, Not-for-profit institutions, Individuals.

Total Respondents: 7,000.

Frequency: On occasion.

Total Responses: 7,000.

Average Time Per Response: 3 hours.

Estimated Total Burden Hours: 5,250.

Total Burden Cost (operating/maintenance): \$393,750.00.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 26, 1998.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

[FR Doc. 98-17569 Filed 7-1-98; 8:45 am]

BILLING CODE 4510-29-M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Prohibited Transaction Exemption 91-55

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) 44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of a currently approved collection of information, Prohibited Transaction Exemption 91-55. A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before August 31, 1998.

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarify the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Gerald B. Lindrew, Department of Labor, Pension and

Welfare Benefits Administration, 200 Constitution Avenue, NW, Washington, DC 20210, (202) 219-4782 (this is not a toll-free number), FAX (202) 219-4745.

SUPPLEMENTARY INFORMATION:

I. Background

Prohibited Transaction Exemption 91-55 permits purchases and sales by certain "individual retirement accounts," as defined in Internal Revenue Code section 408 (IRAs) of American Eagle bullion coins ("Coins") in principal transactions from or to broker-dealers in Coins which are "authorized purchasers" of Coins in bulk quantities from the United States Mint and which are also "disqualified persons," within the meaning of Code section 4975(e)(2), with respect to IRAs. The exemption also describes the circumstances under which the interest-free extension of credit in connection with such sales and purchases is permitted. In the absence of an exemption, such purchases and sales and extensions of credit would be impermissible under the Employee Retirement Income Security Act of 1974 (ERISA).

II. Current Actions

This existing collection of information should be continued because without the relief provided by this exemption, purchases and sales of such Coins and extensions of credit in connection with such sales and purchases would be prohibited transactions. The recordkeeping requirements incorporated within the exemption are intended to protect the interest of plan participants and beneficiaries. The exemption requires that certain information be disclosed relating to covered transactions in Coins.

Type of Review: Extension.

Agency: Pension and Welfare Benefits Administration.

Title: Prohibited Transaction Exemption 91-55.

OMB Number: 1210-0079.

Affected Public: Business or other for-profit, Not-for-profit institutions, Individuals.

Total Respondents: 12.

Frequency: On occasion.

Total Responses: 200,000.

Average Time Per Response: 5 minutes for confirmation statement and recordkeeping, 1 minute for one-time disclosure document.

Estimated Total Burden Hours: 36,666.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the

information collection request; they will also become a matter of public record.

Dated: June 26, 1998.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

[FR Doc. 98-17570 Filed 7-1-98; 8:45 am]

BILLING CODE 4510-29-M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Prohibited Transaction Exemption 85-68 To Permit Employee Benefit Plans To Invest in Customer Notes of Employers

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of a currently approved collection of information, Prohibited Transaction Exemption 85-68. A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before August 31, 1998.

The Department of Labor (Department) is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Washington, DC 20210, (202) 219-4782 (not a toll-free number), FAX (202) 219-4745.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to section 408 of ERISA, the Department has authority to grant an exemption from the prohibitions of sections 406 and 407(a) if it can determine that the exemption is administratively feasible, in the interest of participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan. Prohibited Transaction Class Exemption 85-68 describes the conditions under which a plan is permitted to acquire customer notes accepted by an employer of employees covered by the plan in the ordinary course of the employer's primary business activity. The exemptions covers sales as well as contributions of customer notes by an employer to its plan.

II. Current Actions

The ICR included in this exemption is intended to ensure that the conditions of ERISA section 408 have been satisfied with respect to transactions involving customer notes. Specifically, the exemption requires that the employer provide a written guarantee to repurchase a note which becomes more than 60 days delinquent, that such notes be secured by a perfected security interest in the property financed by the note, and that the collateral be insured. Because this ICR ensures that the transactions are protective of the rights of participants and beneficiaries, the Pension and Welfare Benefits Administration intends to request an extension of this ICR beyond its September 30, 1998 expiration date.

Type of Review: Extension.

Agency: Department of Labor, Pension and Welfare Benefits Administration.

Title: Prohibited Transaction Class Exemption 85-68.

OMB Number: 1210-0094.

Affected Public: Business or other for-profit, Not-for-profit institutions, Individuals.

Frequency: On occasion.

Total Responses: 1.

Estimated Total Burden Hours: 1.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 26, 1998.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

[FR Doc. 98-17571 Filed 7-1-98; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Council on The Humanities; Meeting

July 1, 1998.

Pursuant to the provisions of the Federal Advisory Committee Act (Public L. 92-463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on July 16-17, 1998.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, N.W., Washington, D.C. A portion of the morning and afternoon sessions on July 16-17, 1998, will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated July 19, 1993.

The agenda for the session on July 16, 1998 will be as follows:

Committee Meetings

(Closed to the Public)

Discussion of Specific Grant Applications Before the Council

9:00-11:00 a.m.

Research/Education Programs—Room M07

(Open to the Public)

Policy Discussion

9:00-10:00 a.m.

Preservation and Access & Challenge Grants—Room 415

Public Programs—Room 420

Federal/state Partnership—Room 507

11:15 a.m. until Adjourned

Research/Education Programs—Room M07

(Closed to the Public)

10:00 a.m. until Adjourned

Discussion of specific grant applications before the Council

12:30-1:30 p.m.

National Humanities Medal Meeting—Room 430

The morning session on July 17, 1998 will convene at 8:30 a.m., in the 1st Floor Council Room M-09, and will be open to the public, as set out below. The agenda for the morning session will be as follows:

Minutes of the Previous Meeting Reports

A. Introductory Remarks

B. Staff Report

C. Reports on Policy & General Matters

1. Overview

2. Research and Education Programs

3. Preservation and Access & Challenge Grants

4. Public Programs

5. Federal/State Partnership

The remainder of the proposed meeting will be given to the consideration of specific applications and closed to the public for the reasons stated above.

Further information about this meeting can be obtained from Ms. Nancy E. Weiss, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code (202) 606-8322, TDD (202) 606-8282. Advance notice of any special needs or accommodations is appreciated.

Nancy E. Weiss,

Advisory Committee Management Officer.

[FR Doc. 98-17680 Filed 7-1-98; 8:45 am]

BILLING CODE 7536-01-M

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Nancy E. Weiss, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606-8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606-8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* July 10, 1998.

Time: 8:30 a.m. to 6:00 p.m.

Room: 415.

Program: This meeting will review applications for Colleges and Universities I, submitted to the Office of Challenge Grants for projects at the May 1, 1998 deadline.

2. *Date:* July 13, 1998.

Time: 8:30 a.m. to 6:00 p.m.

Room: 415.

Program: This meeting will review applications for Art and Anthropology Museums, submitted to the Office of

Challenge Grants for projects at the May 1, 1998 deadline.

3. *Date:* July 20, 1998.

Time: 8:30 a.m. to 6:00 p.m.

Room: 415.

Program: This meeting will review applications for Research Institutions and Organizations, submitted to the Office of Challenge Grants for projects at the May 1, 1998 deadline.

4. *Date:* July 20, 1998.

Time: 8:30 a.m. to 5:00 p.m.

Room: 315.

Program: This meeting will review applications for Fellowships for University Teachers in Anthropology I, submitted to the Division of Research and Education for projects at the May 1, 1998 deadline.

5. *Date:* July 20, 1998.

Time: 8:30 a.m. to 5:00 p.m.

Room: 430.

Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in European History, submitted to the Division of Research and Education for projects at the May 1, 1998 deadline.

6. *Date:* July 21, 1998.

Time: 8:30 a.m. to 5:00 p.m.

Room: 315.

Program: This meeting will review applications for Fellowships for University Teachers in American History and Studies I, submitted to the Division of Research and Education for projects at the May 1, 1998 deadline.

7. *Date:* July 22, 1998.

Time: 8:30 a.m. to 5:00 p.m.

Room: 315.

Program: This meeting will review applications for Fellowships for University Teachers in European History, submitted to the Division of Research and Education for projects at the May 1, 1998 deadline.

8. *Date:* July 23, 1998.

Time: 8:30 a.m. to 5:00 p.m.

Room: 430.

Program: This meeting will review applications for Fellowships for University Teachers in Religious Studies, submitted to the Division of Research and Education for projects at the May 1, 1998 deadline.

9. *Date:* July 24, 1998.

Time: 8:30 a.m. to 5:00 p.m.

Room: 315.

Program: This meeting will review applications for Fellowships for University Teachers in Philosophy, submitted to the Division of Research and Education for projects at the May 1, 1998 deadline.

10. *Date:* July 24, 1998.

Time: 8:30 a.m. to 5:00 p.m.

Room: 430.

Program: This meeting will review applications for Fellowships for College

Teachers and Independent Scholars in Sociology, Psychology, and Education, submitted to the Division of Research and Education for projects at the May 1, 1998 deadline.

11. *Date:* July 24, 1998.

Time: 8:30 a.m. to 6:00 p.m.

Room: 415.

Program: This meeting will review applications for Public Libraries & Related Organizations, submitted to the Office of Challenge Grants for projects at the May 1, 1998 deadline.

12. *Date:* July 29, 1998.

Time: 8:30 a.m. to 5:00 p.m.

Room: 430.

Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in Music, Dance, Theater, and Film, submitted to the Division of Research and Education for projects at the May 1, 1998 deadline.

13. *Date:* July 30, 1998.

Time: 8:30 a.m. to 5:00 p.m.

Room: 430.

Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in Art History, submitted to the Division of Research and Education for projects at the May 1, 1998 deadline.

14. *Date:* July 31, 1998.

Time: 8:30 a.m. to 5:00 p.m.

Room: 430.

Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in African, Asian, and Latin American History, submitted to the Division of Research and Education for projects at the May 1, 1998 deadline.

15. *Date:* July 31, 1998.

Time: 8:30 a.m. to 6:00 p.m.

Room: 420.

Program: This meeting will review applications for Colleges and Universities II, submitted to the Office of Challenge Grants for projects at the May 1, 1998 deadline.

Nancy E. Weiss,

Advisory Committee Management Officer.

[FR Doc. 98-17679 Filed 7-1-98; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Committee Management; Renewals

The NSF management officials having responsibility for the 29 advisory committees listed below have determined that renewing these groups for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 USC 1861 et

seq. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

1. Special Emphasis Panel in Graduate Education
2. Special Emphasis Panel in Elementary, Secondary & Informal Education
3. Advisory Committee for Mathematical and Physical Sciences
4. Special Emphasis Panel in Engineering Education and Centers
5. Advisory Committee for Computer & Information Science & Engineering
6. Advisory Committee for Social, Behavioral & Economic Sciences
7. Committee on Equal Opportunities in Science & Engineering
8. Special Emphasis Panel in Advanced Computational Infrastructure & Research
9. Special Emphasis Panel in Astronomical Sciences
10. Special Emphasis Panel in Bioengineering & Environmental Systems
11. Special Emphasis Panel in Chemical & Transport Systems
12. Special Emphasis Panel in Chemistry
13. Special Emphasis Panel in Computing—Communications Research
14. Special Emphasis Panel in Experimental & Integrative Activities
15. Special Emphasis Panel in Design, Manufacture & Innovation
16. Special Emphasis Panel in Electrical & Communications Systems
17. Special Emphasis Panel in Experimental Programs to Stimulate Competitive Research
18. Special Emphasis Panel in Human Resource Development
19. Special Emphasis Panel in Information & Intelligent Systems
20. Special Emphasis Panel in Materials Research
21. Special Emphasis Panel in Mathematical Sciences
22. Special Emphasis Panel in Civil & Mechanical Systems
23. Special Emphasis Panel in Advanced Networking Infrastructure & Research
24. Special Emphasis Panel in Physics
25. Special Emphasis Panel in Polar Programs
26. Special Emphasis Panel in Research, Evaluation & Communication
27. Special Emphasis Panel in Undergraduate Education
28. Special Emphasis Panel in Educational System Reform
29. Advisory Panel for Biomolecular Processes

Authority for these Committees will expire on June 30, 2000, unless they are

renewed. For more information, please contact Rebecca Winker, NSF, at (702) 306-1185.

Dated: June 29, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98-17612 Filed 7-1-98; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION

Committee of Visitors Meeting for the Physiology & Ethology Cluster; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Biological Sciences, Committee of Visitors for the Physiology & Ethology Cluster (1110).

Date & Time: July 13-15, 1998—8:30 am-5:00 pm each day.

Place: Room 360, NSF, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Part-Open—(see agenda below).

Contract Person: Dr. John Fray, Deputy Division Director, Division of Integrative Biology & Neuroscience, 4201 Wilson Boulevard, Arlington, VA 22230, 703 306-1420.

Purpose of Meeting: To carry out Committee of Visitors (COV) review, including program evaluation, GPRA assessments, and access to privileged materials.

Open: July 13 from 8:30 am-10:30 am & July 15 from 10:30 am-12 noon—To provide background information on the role of COVs and GPRA at NSF. To summarize findings regarding the quality of program management, including merit review; and discussion and review of grantee outputs and outcomes during the past three years.

Closed: July 13 from 10:30 am-5:00 pm; July 14 from 8:30 am-5:00 pm; July 15 from 8:30 am-10:30 am and from 1:00 pm-5:00 pm—To review the merit review processes covering funding decisions made during the past three fiscal years of the Physiology & Ethology Cluster.

Reason For Closing: During the closed session, the Committee will be reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they are disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Reason for Late Notice: Difficulty in arranging schedules of COV members.

Dated: June 29, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98-17613 Filed 7-1-98; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 52-002]

Notice of Issuance of Final Design Approval Pursuant to 10 CFR Part 52, Appendix O System 80+ Standard Design ABB-Combustion Engineering, Inc.

The U.S. Nuclear Regulatory Commission (NRC) has issued a revised final design approval (FDA) to ABB-Combustion Engineering, Inc. (ABB-CE) pursuant to 10 CFR part 52, Appendix O. This FDA allows the System 80+ standard design to be referenced in an application for a construction permit or operating license pursuant to 10 CFR Part 50, or in an application for a combined license pursuant to 10 CFR part 52. The FDA is being revised to make it coterminous with the design certification rule that was issued on May 21, 1997. This FDA supersedes the FDAs dated July 26 and November 23, 1994.

A copy of the revised FDA has been placed in the NRC's Public Docket Room, the Gelman Building, 2120 L Street, NW., Washington, D.C. 20037, for review by interested persons.

Dated at Rockville, Maryland, this 24th day of June 1998.

For the Nuclear Regulatory Commission.

Theodore R. Quay,

Director, Standardization Project Directorate, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 98-17606 Filed 7-1-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-255]

Consumers Energy Company; Notice of Consideration of Issuance of Amendment to Facility Operating License No. DPR-20 Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-20 issued to Consumers Energy Company (the licensee) for operation of the Palisades Nuclear Plant, located in Van Buren County, Michigan.

The proposed amendment would revise Section 3.1.1c of the Technical Specifications (TS), Appendix A of the Operating License for the Palisades Nuclear Plant, to change the minimum

required primary coolant system flow. The currently specified value is 140.7x10⁶ lb/hr [pounds per hour] or greater, when corrected to 532 °F. The licensee proposed to revise the TS to specify a value of greater than or equal to 352,000 gpm [gallons per minute], which is equivalent to approximately 135x10⁶ lb/hr, when corrected to 532 °F.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

a. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to the minimum reactor vessel flow does not alter the assumed initiators to any analyzed event. Rather, specification of a minimum reactor vessel flow provides assurance that sufficient cooling will take place during normal and accident operating conditions of the reactor. Therefore the probability of an accident previously evaluated has not been increased by this proposed change.

Each of the applicable Palisades FSAR [Final Safety Analysis Report] Chapter 14 accident analyses have been evaluated with respect to the proposed reduction in minimum reactor vessel flow rate. The results of these analyses, which have been incorporated into the Palisades Cycle 14 Disposition and Analysis of Standard Review Plan (SRP) Events, demonstrate that the acceptance criteria for each of the events continues to be met.

Therefore, operation of the facility in accordance with the proposed change to TS section 3.1.1c would not involve a significant increase in the probability or consequences of an accident previously evaluated.

b. Create the possibility of a new or different kind of accident from any previously evaluated.

The proposed changes provide a reduced requirement for PCS [primary coolant system] flow through the reactor vessel than currently exists in the TS. The change does not, however, involve any alteration in the plant configuration (no new or different type

of equipment will be installed) or make changes in the methods governing normal plant operation. However, these changes are consistent with the assumptions in the safety analyses and licensing basis. Therefore, the changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, operation of the facility in accordance with the proposed change to TS section 3.1.1c would not create the possibility of a new or different kind of accident from any previously evaluated.

c. Involve a significant reduction in a margin of safety.

The proposed change to the minimum reactor vessel flow has been evaluated against each of the applicable Palisades FSAR Chapter 14 accident analyses. Reducing the assumed minimum reactor vessel flow did not result in a significant change (per 10 CFR 50.46) in the results of the Loss Of Coolant Accident (LOCA) Emergency Core Cooling System (ECCS) analyses. Reducing the assumed minimum reactor vessel flow did not result in penetration of TS DNB [departure from nucleate boiling] limits or additional fuel failures for non-LOCA events. Reducing the assumed minimum reactor vessel flow did not result in a change in the results of the LOCA or Main Steam Line Break containment response analyses. Reducing the assumed minimum reactor vessel flow did not result in a change to the radiological consequences of the SRP events with respect to 10 CFR 100 offsite dose or SRP 6.4 control room habitability requirements. Therefore, operation of the facility in accordance with the proposed change to TS 3.1.1c does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received by close of business within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public

and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By August 3, 1998, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Van Wylen Library, Hope College, Holland, Michigan 49423-3698. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons

why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no

significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by close of business on the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Judd L. Bacon, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated June 17, 1998, and supplement dated June 23, 1998, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Van Wylen Library, Hope College, Holland, Michigan 49423-3698.

Dated at Rockville, Maryland, this 26th day of June 1998.

For the Nuclear Regulatory Commission.

Robert G. Schaaf,

Project Manager, Project Directorate III-1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98-17609 Filed 7-1-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-341]

Detroit Edison Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-43 issued to the Detroit Edison Company (the licensee) for operation of the Fermi 2 plant located in Monroe County, Michigan.

The proposed amendment would provide a one-time extension of the interval for a number of technical specification (TS) surveillance requirements that will be performed in the sixth refueling outage. TS 4.0.2 and Index page xxii would be revised and TS tables 4.0.2-1 and 4.0.2-2 would be replaced to reflect the extensions.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the June 26, 1998, amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed TS changes involve a one-time only change in the surveillance testing intervals to facilitate a one-time only change in the Fermi 2 operating cycle. The proposed TS changes do not physically impact the plant nor do they impact any design or functional requirements of the associated systems. That is, the proposed TS changes do not significantly degrade the performance or increase the challenges of any safety systems assumed to function in the accident analysis. The proposed TS changes affect only the

frequency of the surveillance requirements and do not impact the TS surveillance requirements themselves. In addition, the proposed TS changes do not introduce any new accident initiators since no accidents previously evaluated have as their initiators anything related to the change in the frequency of surveillance testing. Also, the proposed TS changes do not significantly affect the availability of equipment or systems required to mitigate the consequences of an accident because of other, more frequent testing or the availability of redundant systems or equipment. Furthermore, a historical review of surveillance test results supports the above conclusions. Therefore, the proposed TS changes do not significantly increase the probability or consequences of an accident previously evaluated.

2. The proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed TS changes involve a one-time only change in the surveillance testing intervals to facilitate a one-time only change in the Fermi 2 operating cycle. The proposed TS changes do not introduce any failure mechanisms of a different type than those previously evaluated since there are no physical changes being made to the facility. In addition, the surveillance test requirements themselves will remain unchanged. Therefore, the proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed TS changes do not involve a significant reduction in a margin of safety.

Although the proposed TS changes will result in an increase in the interval between some surveillance tests, the impact, if any, on system availability is small based on other, more frequent testing or redundant systems or equipment, and there is no evidence of any time dependent failures that would impact the availability of the systems. Therefore, the assumptions in the licensing basis are not impacted, and the proposed TS changes do not significantly reduce a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received by the close of business within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would

result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By August 3, 1998, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Monroe County Library System, Ellis Reference and Information Center, 3700 South Custer Road, Monroe, Michigan 48161. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the

designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226, attorney for the licensee.

Untimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated June 26, 1998, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Monroe County Library System, Ellis Reference and Information Center, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 29th day of June 1998.

For the Nuclear Regulatory Commission.

Andrew J. Kugler,

*Project Manager, Project Directorate III-1,
Division of Reactor Projects—III/IV, Office of
Nuclear Reactor Regulation.*

[FR Doc. 98-17772 Filed 7-1-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-333]

Power Authority of the State of New York; James A. FitzPatrick Nuclear Power Plant; Exemption

I

The Power Authority of the State of New York (the Licensee), also known as the New York Power Authority is the holder of Facility Operating License No. DPR-59, which authorizes operation of the James A. FitzPatrick Nuclear Power Plant (the facility). The license provides, among other things, that the facility is subject to all the rules, regulations and orders of the U.S. Nuclear Regulatory Commission now or hereafter in effect.

The facility is a boiling-water reactor located at the licensee's site in Oswego County, New York.

II

Section 70.24 of Title 10 of the *Code of Federal Regulations*, "Criticality Accident Requirements," requires that each licensee authorized to possess special nuclear material maintain a criticality accident monitoring system in each area in which such material is handled, used, or stored. Subsections (a)(1) and (a)(2) of 10 CFR 70.24 specify detection and sensitivity requirements that these monitors must meet. Subsection (a)(1) also specifies that all areas subject to criticality accident monitoring must be covered by two detectors. Subsection (a)(3) of 10 CFR 70.24 requires licensees to maintain emergency procedures for each area in which this licensed special nuclear material is handled, used, or stored and requires that (1) the procedures ensure that all personnel withdraw to an area of safety upon the sounding of a criticality accident monitor alarm, (2) the procedures include drills to familiarize personnel with the evacuation plan, and (3) the procedures designate responsible individuals for determining the cause of the alarm and placement of radiation survey instruments in accessible locations for use in such an emergency. Subsection (b)(1) of 10 CFR 70.24 requires licensees

to provide the means of identifying quickly any personnel who have received a dose of 10 rads or more. Subsection (b)(2) of 10 CFR 70.24 requires licensees to maintain personnel decontamination facilities, arrangements for a physician and other medical personnel qualified to handle radiation emergencies, and arrangements for the transportation of contaminated individuals to treatment facilities outside the site boundary. Paragraph (c) of 10 CFR 70.24 exempts Part 50 licensees from the requirements of paragraph (b) of 10 CFR 70.24 for special nuclear material used or to be used in the reactor. Subsection (d) of 10 CFR 70.24 states that any licensee that believes that there is good cause why it should be granted an exemption from all or part of 10 CFR 70.24 may apply to the Commission for such an exemption and shall specify the reasons for the relief requested.

III

The special nuclear material that could be assembled into a critical mass at James A. FitzPatrick Nuclear Power Plant is in the form of nuclear fuel. The quantity of special nuclear material other than fuel that is stored on site in any given location is small enough to preclude achieving a critical mass. The Commission's technical staff has evaluated the possibility of an inadvertent criticality of the nuclear fuel at James A. FitzPatrick Nuclear Power Plant and has determined that it is extremely unlikely that such an accident will occur if the licensees meet the following seven criteria:

1. Only three boiling-water reactor new fuel assemblies are allowed out of a shipping cask or a storage rack at one time;
2. The k-effective does not exceed 0.95, at a 95-percent probability, 95-percent confidence level, in the event that the fresh fuel storage racks are filled with fuel of the maximum permissible U-235 enrichment and flooded with pure water;
3. If optimum moderation occurs at low moderator density, the k-effective does not exceed 0.98, at a 95-percent probability, 95-percent confidence level, in the event that the fresh fuel storage racks are filled with fuel of the maximum permissible U-235 enrichment and flooded with a moderator at the density corresponding to optimum moderation;
4. The k-effective does not exceed 0.95, at a 95-percent probability, 95-percent confidence level, in the event that the spent fuel storage racks are filled with fuel of the maximum

permissible U-235 enrichment and flooded with pure water;

5. The quantity of special nuclear material, other than nuclear fuel, stored on-site in any given area is less than the quantity necessary for a critical mass;

6. Radiation monitors, as required by General Design Criterion (GDC) 63, are provided in fuel storage and handling areas to detect excessive radiation levels and to initiate appropriate safety actions; and

7. The maximum nominal U-235 enrichment is limited to 5.0 weight percent.

By letter dated April 24, 1998, the licensee requested an exemption from 10 CFR 70.24. In this request, the licensee addressed the seven criteria previously stated. The licensee stated that James A. FitzPatrick Nuclear Power Plant does not analyze optimum moderation conditions as addressed in Criteria 3 above, but has used a standard industry practice by implementing administrative and physical controls in accordance with General Electric Service Information Letter 152, "Criticality margins for the Storage of New Fuel." To preclude the existence of an optimum moderation condition in the new fuel storage vault area, the following controls are used: the new fuel storage vault is equipped with drains; the pre-fire plans have been updated to prevent the use of fire fighting foam or fire house streams in a fog pattern during the storage and transfer of new nuclear fuel; and the new fuel storage vault plugs are installed during prolonged work delays. The staff has found this practice acceptable.

The Commission's technical staff has reviewed the licensee's submittal and has determined that James A. FitzPatrick Nuclear Power Plant meets the criteria for prevention of inadvertent criticality. Therefore, the staff has determined that it is extremely unlikely that an inadvertent criticality will occur in the handling of special nuclear materials or in their storage areas at the James A. FitzPatrick Nuclear Power Plant.

The purpose of the criticality monitors required by 10 CFR 70.24 is to ensure that if a criticality were to occur during the handling of special nuclear material, personnel would be alerted to that fact and would take appropriate action. The staff has determined that it is extremely unlikely that such an accident could occur. Although James A. FitzPatrick Nuclear Power Plant is not licensed to GDC 63, the licensee has radiation monitors consistent with the standards of GDC 63 in fuel storage and handling areas. These monitors will

alert personnel to excessive radiation levels and allow them to initiate appropriate safety actions. The low probability of an inadvertent criticality, together with the licensee's adherence to GDC 63 standards, constitutes good cause for granting an exemption to the requirements of 10 CFR 70.24.

IV

The Commission has determined that pursuant to 10 CFR 70.14, this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the licensee an exemption from the requirements of 10 CFR 70.24 for the James A. FitzPatrick Nuclear Power Plant.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not result in any significant adverse environmental impact (63 FR 34205).

This exemption is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 24th day of June 1998

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98-17611 Filed 7-1-98; 8:45 am]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 72-9]

Notice of Issuance of Amendment to Materials License SNM-2504, Public Service Company of Colorado, Fort St. Vrain Independent Spent Fuel Storage Installation

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment 5 to Materials License No. SNM-2504 held by the Public Service Company of Colorado (PSCo) for the receipt, possession, storage, and transfer of spent fuel at the Fort St. Vrain (FSV) independent spent fuel storage installation (ISFSI), located in Weld County, Colorado. The amendment is effective as of the date of issuance.

By application dated November 25, 1997, PSCo requested an amendment to revise Materials License SNM-2504 and the Technical Specifications for the FSV ISFSI to (1) replace 10 CFR 50 Program references with stand-alone ISFSI program references due to the termination of the FSV 10 CFR part 50 license, (2) delete references to

previously authorized material that is not stored at the ISFSI, and (3) revise the Technical Specifications to accurately reflect the current ISFSI activities.

This amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

In accordance with 10 CFR 72.46(b)(2), a determination has been made that the amendment does not present a genuine issue as to whether public health and safety will be significantly affected. Therefore, the publication of a notice of proposed action and an opportunity for hearing or a notice of hearing is not warranted. Notice is hereby given of the right of interested persons to request a hearing by July 31, 1998, on whether the action should be rescinded or modified.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that, pursuant to 10 CFR 51.22(c)(10)(ii), an environmental assessment need not be prepared in connection with issuance of the amendment.

Documents related to this action are available for public inspection at the Commission's Public Document Room located at the Gelman Building, 2120 L Street, NW, Washington, DC 20555.

Dated at Rockville, Maryland, this 24th day of June 1998.

For the Nuclear Regulatory Commission.

William F. Kane,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 98-17610 Filed 7-1-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-250 and 50-251]

Turkey Point Plant, Units 3 and 4; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulation Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations to Facility Operating License Nos. DPR-31 and DPR-41 for the Turkey Point Plant, Units 3 and 4, respectively, issued to the Florida

Power and Light Company (the licensee).

Environmental Assessment

Identification of Proposed Action

The proposed action is in response to the licensee's application dated March 5, 1998, for exemption from the requirements of 10 CFR 50.71(e)(4) regarding submission of revisions to the updated Final Safety Analysis Report (FSAR). Under the proposed exemption, the licensee would schedule updates to a single, unified FSAR for the two units based on the refueling cycle of Unit 4 and at intervals not to exceed 24 months.

The Need for the Proposed Action

The Code of Federal Regulations, 10 CFR 50.71(e)(4), requires licensees to submit updates to their FSAR annually or within 6 months after each refueling outage providing that the interval between successive updates does not exceed 24 months. Since Units 3 and 4 share a common FSAR, the licensee must update the same document annually or within 6 months after a refueling outage for either unit. The underlying purpose of the rule was to relieve licensees of the burden of filing annual FSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its FSAR revisions 6 months after refueling outages for its facility, but did not provide for multiple unit facilities sharing a common FSAR in the rule. Rather, the Commission stated: "With respect to the concern about multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis." 57 FR 39355 (1992). Allowing the exemption would maintain the updated FSAR current within 24 months of the last revision.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that it involves administrative activities unrelated to plant operation.

The proposed action will not result in an increase in the probability or consequences of accidents or result in a change in occupational exposure or offsite dose. Therefore, there are no significant radiological impacts associated with the proposed action.

The proposed action will not result in a change in nonradiological plant effluents and will have no other nonradiological environmental impact.

Accordingly, the Commission concludes there are no significant environmental impacts associated with this action.

Alternative to the Proposed Action

Since the Commission has concluded that there is no significant environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the exemption would result in no change in current environmental impacts. The environmental impacts of the proposed exemption and this alternative are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement related to Turkey Point Plant dated July 1972.

Agencies and Persons Contacted

In accordance with its stated policy, on May 28, 1998, the staff consulted with the Florida State official, Mr. William A. Passetti, Chief, Office of Radiation Control, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the licensee's request for the exemption dated March 5, 1998, which is available for public inspection at the Commission's Public Document Room, Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Library, Florida International University, University Park Campus, Miami, Florida 33199.

Dated at Rockville, Maryland, this 25th day of June 1998.

For the Nuclear Regulatory Commission.

Frederick J. Hebdon,

Director, Project Directorate II-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98-17605 Filed 7-1-98; 8:45 am]

BILLING CODE 7590-1-M

NUCLEAR REGULATORY COMMISSION

[Docket 72-16]

Virginia Electric and Power Company, Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Proposed Exemptions From Requirements of 10 CFR Part 72

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an exemption from certain requirements of its regulations to Virginia Electric and Power Company (Virginia Power). The requested exemption would allow Virginia Power to submit the report of preoperational test acceptance criteria and test results at least 3 days (instead of 30 days) prior to the receipt of fuel at its independent spent fuel storage installation (ISFSI) at the North Anna Power Station (Docket Nos. 50-338 and 50-339) in Louisa County, Virginia.

Environmental Assessment (EA)

Identification of Proposed Action

By letter dated June 12, 1998, Virginia Power requested an exemption from the requirement in 10 CFR 72.82(e) which states that "A report of the preoperational test acceptance criteria and test results must be submitted . . . at least 30 days prior to the receipt of spent fuel or high level waste." Virginia Power proposed to submit this report 3 days prior to receipt of fuel at the ISFSI. Granting the exemption at this time would enable Virginia Power to proceed with activities to support its scheduled Unit 1 refueling outage.

Need for the Proposed Action:

Virginia Power's request is to ensure the availability of adequate storage space in the spent fuel pool to support its upcoming Unit 1 refueling outage which is scheduled to begin in September 1998. New fuel for the outage is scheduled to arrive onsite on July 21, 1998. To load the new fuel into the spent fuel pool and still retain a single unit full core offload capacity in the spent fuel pool, Virginia Power plans to load its first spent fuel storage cask during the week of July 6, 1998.

The purpose of the 30-day period, for the applicant to submit a report of the preoperational test acceptance criteria and test results, is to establish a sufficient hold point to ensure that the NRC has enough time to inspect a new licensee's preparation and, if necessary, exercise its regulatory authority before fuel is received at an ISFSI. For example, an ISFSI located at an away-

from-reactor site may not have a resident inspector, therefore, the full 30-day period might be necessary to provide enough time for the NRC to review the licensee's records and preoperational test results and, if needed, send inspectors to the site. The North Anna ISFSI is located on a reactor site that has resident inspectors, and the resident and other NRC inspectors were present to observe portions of the preoperational test activities as they were being conducted. The NRC inspectors will also have ongoing access to the applicant's tests procedures and results to allow the inspectors to conduct the appropriate review. Thus, in view of the NRC's oversight presence during the preoperational testing phase at North Anna, as well as NRC's immediate access to the applicant's test procedures and results, the Commission concludes that the entire 30 days provided for in the rule will not be needed for the NRC to complete its inspection activities and determine whether any further regulatory action is needed before spent fuel is received at the North Anna ISFSI. However, the NRC may determine that it requires more than the requested 3 days to review the test results. The NRC will consider the specific amount of time needed to review the North Anna preoperational test results in its final response to the request for exemption.

Environmental Impacts of the Proposed Action

The Environmental Assessment (EA) for the license application for the North Anna ISFSI (62 FR 16202, April 4, 1997) considered the potential environmental impacts of construction and operation of an ISFSI at the North Anna site. In the EA, the NRC concluded that storage of spent fuel at the North Anna ISFSI will not significantly affect the quality of the environment. The proposed actions now under consideration would not change the potential environmental effects assessed in the EA. Specifically, there are no environmental impacts associated with the time frame for submitting the preoperational test acceptance criteria and test results. As previously discussed, the 30-day period is to provide the NRC sufficient opportunity to review the licensee's report. However, as NRC inspectors were on site during the applicant's preoperational tests, which were conducted between June 8 and June 18, 1998, the shorter 3-day period will provide the same, sufficient opportunity. In addition, the proposed exemption does not involve any changes that increase the probability or consequences of accidents, change the

types of effluents that may be released offsite, or would significantly increase the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that this proposed exemption will have no significant radiological or nonradiological environmental impacts.

Alternative to the Proposed Action

Since there is no significant environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact are not evaluated. The alternative to the proposed action would be to deny approval of the exemption and, therefore, require the preoperational test acceptance criteria and test report to be submitted 30 days prior to receipt of spent fuel, rather than 3 days as proposed. This alternative would have no significant environmental impacts as well. However, denial of the requested exemption could result in loss of full core offload capability. The licensee is not required to maintain a full core offload capability, however, it is an operationally advantageous capability.

Agencies and Persons Consulted

An official from the State of Virginia Bureau of Radiological Health was contacted about this EA for the proposed action and had no concerns.

Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based upon the foregoing EA, the Commission finds that the proposed action of granting an exemption from 10 CFR 72.82(e) so that Virginia Power may submit a preoperational test acceptance criteria and test report 3 days prior to receipt of spent fuel at the North Anna ISFSI will not significantly impact the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

This application was docketed under 10 CFR part 72, Docket 72-16. For further details with respect to this action, see the application for an ISFSI license dated May 9, 1995, and the request for exemption dated June 12, 1998, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, DC 20555, and the Local Public Document Room at the University of Virginia, Alderman Library, Charlottesville, Virginia 22903.

Dated at Rockville, Maryland, this 24th day of June 1998.

For the Nuclear Regulatory Commission.
William F. Kane,
Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.
[FR Doc. 98-17608 Filed 7-1-98; 8:45 am]
BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Academic, Research & Development, and Other Licenses of Limited Scope, Availability of Draft NUREG

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability and request for comments.

SUMMARY: The Nuclear Regulatory Commission is announcing the availability of and requesting comment on draft NUREG-1556, Volume 7, "Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Academic, Research & Development, and Other Licenses of Limited Scope," dated May 1998.

NRC is using Business Process Redesign (BPR) techniques to redesign its materials licensing process, as described in NUREG-1539, "Methodology and Findings of the NRC's Materials Licensing Process Redesign." A critical element of the new process is consolidating and updating numerous guidance documents into a NUREG-series of reports. This draft NUREG report is the seventh program-specific guidance developed to support an improved materials licensing process.

The guidance is intended for use by applicants, licensees, NRC license reviewers, and other NRC personnel. The draft NUREG combines and updates the guidance for applicants and licensees previously found in (1) Regulatory Guide 10.2, Revision 1, "Guidance To Academic Institutions Applying For Specific Byproduct Material Licenses of Limited Scope," dated December 1976, (2) Regulatory Guide 10.7, "Guide For The Preparation Of Applications For Licenses For Laboratory and Industrial Use of Small Quantities of Byproduct Material," dated August 1979, and (3) Draft Regulatory Guide FC 405-4, "Guide for the Preparation of Applications for Licenses for the Use of Sealed Sources in Gas Chromatography Devices and X-Ray Fluorescence Analyzers," dated February 1985. In addition, this draft report also contains pertinent

information found in Technical Assistance Requests and Information Notices. This draft report is for public comment only, and is NOT for use in preparing or reviewing applications until it is published in final form. It is being distributed for comment to encourage public participation in its development.

DATES: The comment period ends September 30, 1998. Comments received after that time will be considered if practicable.

ADDRESSES: Submit written comments to: Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Hand deliver comments to 11545 Rockville Pike, Rockville, Maryland, between 7:15 a.m. and 4:30 p.m. on Federal workdays. Comments may also be submitted through the Internet by addressing electronic mail to DLM1@NRC.GOV.

Those considering public comment may request a free single copy of draft NUREG-1556, Volume 7, by writing to the U.S. Nuclear Regulatory Commission, ATTN: Mrs. Sally L. Merchant, Mail Stop TWFN 9-F-31, Washington, DC 20555-0001. Alternatively, submit requests through the Internet by addressing electronic mail to slm2@nrc.gov. A copy of draft NUREG-1556, Volume 7, is also available for inspection and/or copying for a fee in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC 20555-0001.

FOR FURTHER INFORMATION CONTACT: Mrs. Sally L. Merchant, Mail Stop TWFN 9-F-31, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-7874; electronic mail address: slm2@nrc.gov.

Electronic Access

Draft NUREG-1556, Vol. 7 will be available electronically by visiting NRC's Home Page (<http://www.nrc.gov/nrc/nucmat.html>) approximately two weeks after the publication date of this notice.

Dated at Rockville, Maryland, this 24th day of June, 1998.

For the Nuclear Regulatory Commission.

Frederick C. Combs,
Acting Director, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.
[FR Doc. 98-17607 Filed 7-1-98; 8:45 am]
BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

Existing Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, 450 5th Street, NW, Washington, DC 20549
Extension: Rule 3a-4, SEC File No. 270-401, OMB Control No. 3235-0459; Form N-8B-2, SEC File No. 270-186, OMB Control No. 3235-0186

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 3a-4 under the Investment Company Act of 1940 [15 U.S.C. 80a] ("Investment Company Act" or "Act") provides a nonexclusive safe harbor from the definition of investment company under the Act for certain investment advisory programs. These programs, which include "wrap fee" and "mutual fund wrap" programs, generally are designed to provide professional portfolio management services to clients who are investing less than the minimum usually required by portfolio managers but more than the minimum account size of most mutual funds. Under wrap fee and similar programs, a client's account is typically managed on a discretionary basis according to pre-selected investment objectives. Clients with similar investment objectives often receive the same investment advice and may hold the same or substantially the same securities in their accounts. Some of these investment advisory programs may meet the definition of investment company under the Act because of the similarity of account management.

In 1997, the Commission adopted rule 3a-4, which clarifies that programs organized and operated in a manner consistent with the conditions of rule 3a-4 are not required to register under the Investment Company Act or comply with the Act's requirements.¹ These programs differ from investment

companies because, among other things, they provide individualized investment advice to the client. The rule's provisions have the effect of ensuring that clients in a program relying on the rule receive advice tailored to the client's needs.

Rule 3a-4 provides that each client's account must be managed on the basis of the client's financial situation and investment objectives and consistent with any reasonable restrictions the client imposes on managing the account. When an account is opened, the sponsor² (or its designee) must obtain information from each client regarding the client's financial situation and investment objectives, and must allow the client an opportunity to impose reasonable restrictions on managing the account.³ In addition, the sponsor (or its designee) annually must contact the client to determine whether the client's financial situation or investment objectives have changed and whether the client wishes to impose any reasonable restrictions on the management of the account or reasonably modify existing restrictions. The sponsor (or its designee) also must notify the client quarterly, in writing, to contact the sponsor (or the designee) regarding changes to the client's financial situation, investment objectives, or restrictions on the account's management.⁴

The program must provide each client with a quarterly statement describing all activity in the client's account during the previous quarter. The sponsor and personnel of the client's account manager who know about the client's account and its management must be reasonably available to consult with the client. Each client also must retain certain indicia of ownership of all securities and funds in the account.

Rule 3a-4 is intended primarily to provide guidance regarding the status of investment advisory programs under the Investment Company Act. The rule is not intended to create a presumption about a program that is not operated according to the rule's guidelines.

² For purposes of rule 3a-4, the term "sponsor" refers to any person who receives compensation for sponsoring, organizing or administering the program, or for selecting, or providing advice to clients regarding the selection of, persons responsible for managing the client's account in the program.

³ Clients specifically must be allowed to designate securities that should not be purchased for the account or that should be sold if held in the account. The rule does not require that a client be able to require particular securities be purchased for the account.

⁴ The sponsor also must provide a means by which clients can contact the sponsor (or its designee).

The requirement that the sponsor (or its designee) obtain information about the client's financial situation and investment objectives when the account is opened is designed to ensure that the investment adviser has sufficient information regarding the client's unique needs and goals to enable the portfolio manager to provide individualized investment advice. The sponsor is required to contact clients annually and provide them with quarterly notices to ensure that the sponsor has current information about the client's financial status, investment objectives, and restrictions on management of the account. Maintaining current information enables the program manager to evaluate the client's portfolio in light of the client's changing needs and circumstances. The requirement that clients be provided with quarterly statements of account activity is designed to ensure the client receives an individualized report, which the Commission believes is a key element of individualized advisory services.

The Commission staff estimates that approximately 49 wrap fee and mutual fund wrap programs administered by 44 program sponsors use the procedures under rule 3a-4.⁵ Although it is impossible to determine the exact number of clients that participate in investment advisory programs, an estimate can be made by dividing total assets by the minimum account requirement (\$139.4 billion⁶ divided by \$100,000), for a total of 1,394,000 clients. In addition, an average number of new accounts opened each year can be estimated by dividing the average annual increase in account assets in 1994 through 1997, by the minimum account requirement (\$7.5 billion divided by \$100,000, for an average annual number of new accounts of 75,333.⁷

The Commission staff estimates that each program sponsor spends approximately one hour annually in preparing, conducting and/or reviewing interviews for each new client; 30 minutes annually preparing, conducting and/or reviewing annual interviews for each continuing client; and one hour preparing and mailing quarterly account activity statements, including the notice

⁵ See The Cerulli Report, *Asset-Based Strategies: Developments in the Financial Advisor and Wrap Markets 66* (1997) (statistical information on wrap fee and mutual fund wrap programs).

⁶ See *id.* at 63 (estimating amount of assets in wrap fee and mutual fund wrap programs).

⁷ The requirement for initial client contact and evaluation is not a recurring obligation, but only occurs when the account is opened. The estimated annual hourly burden is based on the average number of new accounts opened each year.

¹ Status of Investment Advisory Programs Under the Investment Company Act of 1940, Investment Company Act Release No. 22579 (Mar. 24, 1977) [62 FR 15098 (Mar. 31, 1997)] ("Adopting Release"). In addition, there are no registration requirements under section 5 of the Securities Act of 1933 for these programs. See 17 CFR 270.3a-4, introductory note.

to update information to each client. Based on the foregoing, the Commission staff therefore estimates the total annual burden of the rule's paperwork requirements for all program sponsors to be 2,128,666.5 hours. This represents an increase of 1,112,666.5 hours from the prior estimate of 1,016,000 hours. The increase results primarily from an increase in the amount of assets managed under investment advisory programs and the resulting increase in the estimated number of clients in those programs. The increase also results from a more accurate calculation of certain collection of information burdens.

Form N-8B-2 is the form used by unit investment trusts ("UITs") which are currently issuing securities, including UITs which are issuers of periodic payment plan certificates and UITs of which a management investment company is the sponsor or depositor, to comply with the filing and disclosure requirements imposed by section 8(b) of the Act. Form N-8B-2 requires disclosure about the organization of a UIT, its securities, the trustee, the personnel and affiliated persons of the depositor, the distribution and redemption of securities, and financial statements. The Commission uses the information provided in the collection of information to determine compliance with section 8(b) of the Act.

Based on the Commission's industry statistics, the Commission estimates that there will be approximately 34 initial filings on Form N-8B-2 and 11 post-effective amendment filings to the Form. The Commission estimates that each registrant filing an initial Form N-8B-2 would spend 1,150 hours in preparing and filing the Form and that the total hour burden for all initial Form N-8B-2 filings is 39,100 hours. Also, the Commission estimates that each UIT filing a post-effective amendment to Form N-8B-2 would spend 150 hours in preparing and filing the amendment and that the total hour burden for all post-effective amendments to the Form is 1,650 hours. By combining the total hour burdens estimated for initial Form N-8B-2 filings and post-effective amendment filings to the Form, the Commission estimates that the total annual burden hours for all registrants on Form N-8B-2 is 40,750 hours.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Written comments are invited on: (a) whether the collections of information are necessary for the proper

performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burdens of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, Mail Stop 0-4, 450 5th Street, NW., Washington, DC 20549.

Dated: June 22, 1998.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98-17560 Filed 7-1-98; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of July 6, 1998.

An open meeting will be held on Tuesday, July 7, 1998, at 10:00 a.m., in Room 6600.

A closed meeting will be held on Tuesday, July 7, 1998, following the 10:00 a.m. open meeting. A closed meeting will be held on Thursday, July 9, 1998, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exceptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Johnson, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The open meeting scheduled for Tuesday, July 7, 1998, at 10:00 a.m., will be:

The Commission will hear oral argument on an appeal by Valicent Advisory Services, Inc. ("VAS"), a registered investment adviser, and the Division of Enforcement from an administrative law judge's initial decision.

The closed meeting scheduled for Tuesday, July 7, 1998, following the 10:00 a.m. open meeting, will be: Post argument discussion.

The closed meeting scheduled for Thursday, July 8, 1998, at 10:00 a.m., will be:

Institution and settlement of injunctive actions.

Institution and settlement of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted for postponed, please contact: The Office of the Secretary at (202) 942-7070.

Dated: June 30, 1998.

Jonathan G. Katz,

Secretary.

[FR Doc. 98-17835 Filed 6-30-98; 3:53 pm]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-40123; file No. SR-AMEX-98N10]

Self-Regulatory Organizations; American Stock Exchange, Inc., Order Granting Approval to Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 1. to Proposed Rule Change Relating to Market-at-the-Close and Limit-at-the-Close Order Handling Requirements

June 24, 1998.

I. Introduction

On February 18, 1998, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 19(b)(1) of the Securities and Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to revise the Exchange's policy for entry of market-at-the-close orders ("MOC") and

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

to permit the entry of limit-at-the-close orders ("LOC"). The proposed rule change was published for comment in the **Federal Register** on March 26, 1998.³ On May 12, 1998, the Exchange submitted Amendment No. 1 to the proposed rule change.⁴ This order approves the proposal as amended.

II. Description of the Proposal

Exchange Rule 109 sets for the procedures to be followed in executing MOC orders. Paragraph (d) of Rule 109 provides that where there is an imbalance between MOC buy and sell orders, the imbalance or buy orders should be executed against the offer, and the imbalance of sell orders against the bid. The remaining buy and sell orders are then paired off and executed at the price of the immediately preceding last sale. The "pair off" transaction is reported to the consolidated last-sale reporting system as "stopped stock."

In May 1995, the Exchange amended Commentary .02 to Exchange Rule 109 to impose a 3:50 p.m. deadline for the entry, cancellation or reduction of MOC orders through Amex's Post Execution Reporting system ("PER").⁵ After the 3:50 p.m. deadline, a member may only enter, modify or cancel MOC orders other than through the PER system. This change was intended to reduce the sometimes disruptive effect on the market of MOC orders entered through the PER system shortly before the close. Prior to the imposition of the 3:50 p.m. deadline, it often took several minutes for a specialist to ascertain whether an imbalance existed and to pair off buyers and sellers, with the sellers, with the result that the executed MOC transactions did not actually print until after the close. When this happened, it was difficult for market participants to ascertain the closing price of the security in question on a timely basis.

Although the 3:50 p.m. deadline has alleviated some of the disruptive impact of MOC orders, Amex believes that further modifications are appropriate to reduce excess market volatility that may arise from the liquidation of stock

positions related to trading strategies involving index derivative products, and to provide consistency to member organizations by substantially conforming the Amex's policy to the policy currently in effect at the New York Stock Exchange ("NYSE")⁶

As a result, Amex is proposing to substantially conform its policy to the NYSE policy. However, Amex's policy will differ from that of the NYSE in several respects to account for the differences in the types of stocks that trade on the Amex versus those that trade on the NYSE (e.g., smaller float and capitalization of Amex companies). The proposed policy is as follows:

(a) A 3:40 p.m. deadline will be imposed every day for the entry of *all* MOC orders in all common stocks,⁷ other than those that trade in units of less than 100 shares. After the 3:40 p.m. deadline, MOC orders will only be accepted to offset published imbalances. MOC orders will be irrevocable after that time, except to correct an error.

(b) Order imbalances must be published on the tape as soon as practicable after 3:40 p.m. if there is an imbalance of 25,000 shares or more. In addition, an order imbalance below 25,000 shares may also be published by a specialist, with the concurrence of a Floor Official, if the specialist (1) anticipates that the execution price of the MOC orders on the book will exceed the price change parameters of Amex Rule 154, Commentary .08,⁸ or (2) believes that an order imbalance should otherwise be planned.⁹

(c) LOC orders (which Amex does not currently permit to be entered) will now be permitted to be entered prior to the applicable deadline (i.e., 3:40 p.m.), but after the deadline only to offset a published imbalance. LOC orders will be irrevocable after that time, except to correct an error.¹⁰

⁶ The Commission recently approved a proposal submitted by the NYSE to make various changes to its policy with respect to MOC and LOC orders. See Securities and Exchange Act Release No. 40094 (June 15, 1998) (order approving SR-NYSE-97-36).

⁷ This policy will not apply to any security the pricing for which is based on another security or an index, such as derivatives, warrants and convertible securities.

⁸ Commentary .08 requires a specialist to have Floor Official approval before executing a transaction in a stock at a price (i) of \$20 or more a share at 2 points or more away from the last sale, (ii) between \$10 and \$20 a share at one point or more away from the last sale, and (iii) of less than \$10 a share at 1/2 point or more away from the last sale.

⁹ Pursuant to Amex Rule 22(d), a specialist may request that a Floor Governor review a determination by a Floor Official not to permit publication of an order imbalance.

¹⁰ Telephone conversation between Stuart Diamond, Director, Rulings, Amex and David

The Exchange is also proposing that the order imbalance dissemination requirements described in paragraph (b) above also be applied to the opening at 9:30 a.m.¹¹

III. Discussion

The Commission finds that the proposed rule change is consistent with Section 6¹² of the Act the rules and regulations thereunder. In particular, the Commission believes that the proposal is consistent with the Section 6(b)(5)¹³ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.¹⁴

In recent years, the Exchange and other self-regulatory organizations have instituted certain safeguards to minimize excess market volatility that may arise from the liquidation of stock positions at the end of the trading day. The Exchange has been utilizing special closing procedures for the entry of MOC orders in Amex-listed stocks since December 16, 1992.¹⁵ These procedures allow Amex specialist to determine the buying and selling interest in MOC orders and, if there is a substantial imbalance on one side of the market, to provide the investing public with timely and reliable notice of the imbalance and with an opportunity to make appropriate investment decision in response. The Commission believes that Amex's proposal appropriately refines and augments the current procedures.

The Commission believes that the proposed rule change may further increase public awareness of MOC order imbalances and provide market participants with more of an opportunity to make appropriate investment decisions. Specifically, the proposal will change the deadline from 3:50 p.m. to 3:40 p.m. for entry of all MOC orders on all trading days. In addition, the proposal will allow the entry of LOC orders prior to the applicable deadline, but after the deadline only to offset a published

Sieradzki, Attorney, Division, Commission on June 16, 1998.

¹¹ See Amendment No. 1, *supra* note 3.

¹² 15 U.S.C. 78f.

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ In approving the proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78f(b).

¹⁵ See Securities Exchange Act Release No. 31610 (Dec. 16, 1992), 57 FR 61131 (Dec. 23, 1992).

³ Securities Exchange Act Release No. 39770 (Mar. 18, 1998), 63 FR 14747.

⁴ See letter from Claudia Crowley, Special Counsel, Legal & Regulatory Policy, Amex to David Sieradzki, Attorney, Division of Market Regulation ("Division"), Commission dated May 7, 1998 ("Amendment No. 1"). In Amendment No. 1, the Exchange clarifies that the proposed policy regarding imbalance dissemination requirements will be applied to the opening as well as the close, and any applicable imbalance must be published prior to the opening at 9:30 a.m. In addition, the Exchange represents that it does not intend to apply the proposed order entry procedures to the opening.

⁵ See Securities and Exchange Act Release No. 35660 (May 2, 1995), 60 FR 22592 (May 8, 1995).

imbalance. In conjunction with the prohibition on canceling or modifying any MOC/LOC order after 3:40 p.m. the Commission believes that this requirement should allow the specialist to make a timely and reliable assessment, for every Amex-listed stock, of MOC/LOC order flow and its potential impact on closing prices.

Further, the proposal would require Amex specialists to publish order imbalances of 25,000 shares or more as close to 3:40 p.m. as practicable. In addition, under certain circumstances, order imbalances of less than 25,000 shares may be published as close to 3:40 p.m. as practicable with the approval of a Floor Official. The Commission believes that permitting order imbalance publications even though the imbalance is under 25,000 shares should give specialists needed flexibility to balance order flow where the specialist believes that it may be necessary to attract contra-side interest. With respect to changing the deadline for entering MOC orders on non-expiration days, the Commission believes that, by giving market participants more time to react to published MOC order imbalances, the proposal may contribute to reducing volatility at the close.¹⁶

Finally, the Exchange proposes to apply the order imbalance dissemination requirements at the opening of trading as well as at the close. Specifically, as discussed above, the Exchange will require order imbalances of 25,000 shares or more to be disseminated before 9:30 a.m. Circumstances under which an imbalance of less than 25,000 shares would be published will apply to the opening as well.¹⁷ The Commission believes that requiring order imbalances to be published prior to the opening may help reduce volatility at the opening as well as at the close of improving the specialists' ability to accurately assess opening order flow, and attract contra-side interest to help alleviate order imbalances. Further, the policy should help provide the investing public with more timely and reliable information regarding likely opening and closing prices, and thus the ability to make more informed trading decision.

The Commission finds good cause for approving Amendment No. 1 to the proposed rule change prior to the

thirtieth day after the date of publication of notice of filing of this amendment in the **Federal Register**. Amendment No. 1 clarifies the proposal to indicate what the deadline is for order imbalance publications at the opening. In addition, Amendment No. 1 clarifies that MOC/LOC order entry procedures will not apply to the opening of trading. As a result, the Commission does not believe that Amendment No. 1 raises any new regulatory issues. Further, the Commission notes that the original proposal was published for the full 21-day comment period and no comments were received by the Commission. Accordingly, the Commission believes there is good cause, consistent with Sections 6(b)(5) and 19(b) ¹⁸ of the Act, to approve Amendment No. 1 to the Exchange's proposal on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 1, including whether it is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR-AMEX-98-10 and should be submitted by July 23, 1998.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹⁹ that the proposed rule change (SR-AMEX-98-10) is approved as amended.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²⁰

¹⁸ 15 U.S.C. 78f(b)(5) and 15 U.S.C. 78s(b).

¹⁹ 15 U.S.C. 78s(b)(2).

²⁰ 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98-17561 Filed 7-1-98; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-40124; File No. SR-NASD-98-42]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Extension of Effectiveness of the Pilot Injunctive Relief Rule

June 24, 1998.

Pursuant to Section 19(b)(1) of the Securities and Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on June 12, 1998, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by NASD Regulation, Inc. ("NASD Regulation"). The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. For the reasons discussed below, the Commission is granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation is proposing to amend Rule 10335 of the Code of Arbitration ("Code") of the NASD to extend the pilot injunctive relief rule for six months. Below is the text of the proposed rule change. Proposed new language is italicized; proposed deletions are in brackets.

10335. Injunctions

* * * * *

(i) Effective Date

This Rule shall apply to arbitration claims filed on or after January 3, 1996. Except as otherwise provided in this Rule, the remaining provisions of the Code shall apply to proceedings instituted under this Rule. This Rule shall expire on [July 3, 1998] *January 3, 1999*, unless extended by the Association's Board of Governors.

¹ 15 U.S.C. 78s(b)(1) (1994).

² 17 CFR 240.19b-4 (1997).

¹⁶ As discussed above, LOC orders will be subject to the same deadlines for order entry as MOC orders.

¹⁷ As discussed above and in Amendment No. 1, the Commission notes that the Exchange will not apply the order entry procedures used for the close of trading to the opening of trading. See Amendment No. 1, *supra* note 3.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. NASD Regulation has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The NASD's injunctive relief rule, Rule 10335 of the Code, provides a procedure for obtaining injunctive relief in arbitration and for expediting proceedings for injunctive relief in intra-industry disputes. Rule 10335 became effective on January 3, 1996, for a one-year pilot period.³ The initial pilot period was subsequently extended twice by the Commission to permit NASD Regulation's Office of Dispute Resolution to gain additional experience with the rule before determining whether the rule should be made permanent, the pilot period should be extended or the rule should be permitted to terminate by its terms.⁴ The rule is currently due to expire on July 3, 1998.

NASD Regulation is currently developing a proposed rule change to amend Rule 10335 and make it a permanent part of the Code. NASD Regulation anticipates filing this proposed rule change by July 17, 1998. The purpose of the requested six-month extension of the existing injunctive relief rule is to maintain the rule's effectiveness pending filing of and Commission action on that proposed rule change.

(b) Statutory Basis

NASD Regulation believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,⁵ which requires, among other things, that the Association's rules be designed to prevent fraudulent and manipulative acts and practices, to

promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The NASD believes that the current pilot injunctive relief rule serves the public interest by enhancing the satisfaction with the arbitration process afforded by expeditious resolution of certain disputes. The NASD also believes that it is in the interest of members that the effectiveness of the rule remains uninterrupted pending Commission action on the permanent proposed rule change.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number SR-NASD-98-42 and should be submitted by July 23, 1998.

IV. Commission Findings and Order Granting Accelerated Approval of Proposed Rule Change

NASD Regulation has requested that the Commission find good cause pursuant to Section 19(b)(2) of the Act⁶

for approving the proposed rule change prior to the 30th day after publication in the **Federal Register**. To avoid interruption of the pilot injunctive relief rule, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association and, in particular, the requirements of Section 15A(b)(6) of the Act.⁷ Rule 10335 is intended to provide a pilot system within the NASD arbitration forum to process requests for temporary injunctive relief. Rule 10335 is intended principally to facilitate the disposition of employment disputes, and related disputes, concerning members who file for injunctive relief to prevent registered representatives from transferring their client accounts to their new firms. The commission finds it is appropriate to extend the pilot for six months to avoid interruption of the pilot injunctive relief rule. During that time the NASD Regulation will be able to evaluate the success of Rule 10335 and adequately review comments received. The Commission expects the NASD to submit a proposed rule change to add Rule 10355 to the Code on a permanent basis in the near future.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission believes that accelerated approval of the proposal is appropriate because members will continue to have the benefit of injunctive relief in arbitration without interruption. The Commission is extending the pilot for six months. During that time NASD Regulation will submit a proposed rule change to amend Rule 10335 to make it a permanent part of the Code. The Commission believes, therefore, that granting accelerated approval of the proposed rule change is consistent with Section 15A of the Act.⁸

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁹ that the proposed rule change be, and hereby is, approved on an accelerated basis for a six month pilot basis through January 3, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 98-17559 Filed 7-1-98; 8:45 am]

BILLING CODE 8010-01-M

³ Securities and Exchange Act Release No. 36145 (August 23, 1995), 60 FR 45200 (Aug. 30, 1995).

⁴ Securities and Exchange Act Release No. 38069 (December 20, 1996), 61 FR 68806 (December 30, 1996), and Securities and Exchange Act Release No. 39458 (December 17, 1997), 62 FR 67423 (December 24, 1997).

⁵ 15 U.S.C. 78o-3.

⁶ 15 U.S.C. 78s(b)(2).

⁷ 15 U.S.C. 78o-3(b)(6).

⁸ 15 U.S.C. 78o(b)(2).

⁹ 15 U.S.C. 78s(b)(2).

¹⁰ 17 CFR 200.30-3(a)(12).

SOCIAL SECURITY ADMINISTRATION**Agency Information Collection
Activities: Request for Emergency
Review by the Office of Management
and Budget**

The Social Security Administration publishes a list of information collection packages that will require clearance by OMB in compliance with P.L. 104-13 effective October 1, 1995, The Paperwork Reduction Act of 1995. The information collection listed below has been submitted to OMB for emergency clearance. OMB approval has been requested by July 8, 1998:

0960-NEW. SSA has contracted with the Gallup Organization to conduct a survey to gather baseline data on the public's current level of knowledge of the Social Security programs. The information will enable SSA to establish a clear, quantitative baseline measure of public understanding of SSA programs against which the outcomes of SSA performance improvement efforts can be assessed. The relevant performance objective contained in SSA's strategic plan is that by the year 2005, 90 percent of all American adults will be knowledgeable about Social Security programs in five broad areas: basic program facts; the financial value of programs to individuals; the economic and social impact of SSA programs; how the programs are financed today; and financing issues. The respondents are randomly selected adults residing in the United States.

Number of Respondents: 4,000.

Frequency of Response: 1.

Average Burden Per Response: 12 minutes.

Estimated Annual Burden: 800 hours.

To receive a copy of the form or clearance packages, call the SSA Reports Clearance Officer on (410) 965-4145 or write to him at the address listed below. Written comments and recommendations regarding the information collection(s) should be directed to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses:

(OMB)

Office of Management and Budget,
OIRA, Attn: Laura Oliven, New
Executive Office Building, Room
10230, 725 17th St., NW.,
Washington, D.C. 20503

(SSA)

Social Security Administration,
DCFAM, Attn: Frederick W.
Brickenkamp, 6401 Security Blvd, 1-
A-21 Operations Bldg., Baltimore,
MD 21235

Dated: June 25, 1998.

Frederick W. Brickenkamp,

*Reports Clearance Officer, Social Security
Administration.*

[FR Doc. 98-17441 Filed 7-1-98; 8:45 am]

BILLING CODE 4190-29-U

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration**

[Summary Notice No. PE-98-13]

**Petitions for Exemption; Summary of
Petitions Received; Dispositions of
Petitions Issued**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of petitions for
exemption received and of dispositions
of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief for specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before June 23, 1998.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: 9-NPRM-CMTS@faa.dot.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT:
Tawana Matthews (202) 267-9783 or
Terry Stubblefield (202) 267-7624,
Office of Rulemaking (ARM-1), Federal

Aviation Administration, 800
Independence Avenue, SW.,
Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on June 26, 1998.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petition for Exemption

Docket No: 29253.

Petitioner: Boeing Commercial
Airplane Group.

Regulations Affected: 25.785(h)(1),
25.807(d)(7), 25.812(e), 25.813(e),
25.853(d).

Description of Petition: To exempt
The Boeing Company from the
requirements of 14 CFR 25.785(h)(1),
25.807(d)(7), 25.812(e), 25.813(e), and
25.853(d) to permit business jet interiors
to be designated for "private, not-for-
hire use" on Boeing Model 737-700
IGW airplanes.

Petitions for Exemption

Docket No: 29224.

Petitioner: Bombardier Aerospace.

Sections of the FAR Affected: 14 CFR
C36.3(c) of appendix C to part 36.

Description of Relief Sought: To
permit the petitioner to measure noise
levels at the sideline point for its
Bombardier de Havilland Canada DHC-
8 Dash 8 Series 400 airplane using the
International Civil Aviation
Organization standards set forth in
annex 16, volume 1, chapter 3,
3.3.1(a)(2), amendment 5 for lateral
reference noise measure points, in lieu
of the standards set forth in section
C36.3(c) of appendix C to part 36.

Dispositions of Petitions

Docket No: 29213.

Petitioner: Elliott Aviation of Des
Moines, Inc.

Sections of the FAR Affected: 14 CFR
135.143(c)(2).

*Description of Relief Sought/
Disposition:* To permit the petitioner to
operate its Beechcraft Model 200
Aircraft (Registration No. N120RJ, Serial
No. BB-432) without a TSO-C112
(Mode S) transponder installed. *Grant,
Grant, Exemption No. 6787.*

Docket No: 23869.

Petitioner: The Uninsured Relative
Workshop, Inc.

Sections of the FAR Affected: 14 CFR
105.43(a).

*Description of Relief Sought/
Disposition:* To permit employees,
representatives, and other volunteer
experimental parachute test jumpers

under the petitioner's control to make tandem parachute jumps while wearing a dual-harness, dual-parachute pack that has at least one main parachute and one approved auxiliary parachute. The exemption also permits pilots in command of aircraft involved in these operations to allow such persons to make these parachute jumps. *Grant, June 15, 1998, Exemption No. 4943J.*

Docket No.: 11366.

Petitioner: United States Customs Service.

Sections of the FAR Affected: 14 CFR 91.117 (a), (b), and (c); 91.119(c); 91.159(a); and 91.209 (a) and (d).

Description of Relief Sought:

Disposition: To permit continued relief from the pertinent provisions of 14 CFR part 91 in order to conduct drug interdiction air support. *Grant, June 17, 1998, Exemption No. 5504B.*

Docket No.: 29137.

Petitioner: Weary Warriors Squadron.

Sections of the FAR Affected: 14 CFR 91.315.

Description of Relief Sought:

Disposition: To permit the petitioner to operate its North American B-25 (B-25) aircraft, which is certificated in the limited category, for the purpose of carrying passengers for compensation or hire. *Grant, June 17, 1998, Exemption No. 6786.*

Docket No.: 28660.

Petitioner: The Collings Foundation.

Sections of the FAR Affected: 14 CFR 91.315, 91.319(a), 119.5(g), and 119.21(a).

Description of Relief Sought:

Disposition: To permit the petitioner to operate its Boeing B-17 (B-17) aircraft, which is certificated in the limited category, and its Consolidated B-24 (B-24) aircraft, which is certificated in the experimental category, for the purpose of carrying passengers on local flights for compensation or hire. *Grant, June 17, 1998, Exemption No. 6540A.*

Docket No.: 28512.

Petitioner: Robert P. Lavery.

Sections of the FAR Affected: 14 CFR 91.109(a) and (b)(3).

Description of Relief Sought:

Disposition: To permit the petitioner to conduct certain flight instruction and simulated instrument flights to meet the recent instrument experience requirements in certain Beechcraft airplanes equipped with a functioning throwover control wheel in place of functioning dual controls. *Grant, June 19, 1998, Exemption No. 6525A.*

Docket No.: 28515.

Petitioner: Kenneth L. Fossler.

Sections of the FAR Affected: 14 CFR 91.109(a) and (b)(3).

Description of Relief Sought:

Disposition: To permit the petitioner to

conduct certain flight instruction and simulated instrument flights to meet the recent instrument experience requirements in certain Beechcraft airplanes equipped with a functioning throwover control wheel in place of functioning dual controls. *Grant, June 19, 1998, Exemption No. 6524A.*

Docket No.: 28517.

Petitioner: Samuel D. James.

Sections of the FAR Affected: 14 CFR 91.109(a) and (b)(3).

Description of Relief Sought:

Disposition: To permit the petitioner to conduct certain flight instruction and simulated instrument flights to meet the recent instrument experience requirements in certain Beechcraft airplanes equipped with a functioning throwover control wheel in place of functioning dual controls. *Grant, June 19, 1998, Exemption No. 6532A.*

Docket No.: 29174.

Petitioner: Hawaii Helicopters, Inc.

Sections of the FAR Affected: 14 CFR 135.152(a).

Description of Relief Sought:

Disposition: To permit the petitioner to operate its Sikorsky S-76A helicopter (Canadian Registration No. C-GHJG, Serial No. 760015) in the United States under part 135 without a digital flight data recorder (DFDR) as required by § 135.152. *Grant, June 19, 1998, Exemption No. 6789.*

Docket No.: 29109.

Petitioner: Mobile Business Resources Corporation.

Sections of the FAR Affected: 14 CFR 135.152(a).

Description of Relief Sought:

Disposition: To permit the petitioner to operate its Sikorsky S-76A helicopter under part 135 without each of those helicopters being equipped with an approved digital flight data recorder. *Grant, June 19, 1998, Exemption No. 6788.*

[FR Doc. 98-17630 Filed 7-1-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 159; Minimum Operational Performance Standards for Airborne Navigation Equipment Using Global Positioning System (GPS)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 159 meeting to be held July 27-31, 1998, starting at 9:00 a.m. on July 27. The meeting will be held at RTCA, 1140

Connecticut Avenue, NW., Washington, DC 20036.

The agenda will be as follows:

Specific Working Group Sessions:

July 27: Working Group (WG)-4A, Precision Landing Guidance (LAAS CAT I/II/III), Rooms A and B; WG-6, Interference, Room C; July 28: WG-4A, Precision Landing Guidance (LAAS CAT I/II/III), Rooms A and B; Ad Hoc Working Group, Second Civil Frequency, Room C, 1:30-4:30 p.m.; July 29: WG-4A, Precision Landing Guidance (LAAS CAT I/II/III), Rooms A and B; WG-2C, GPS/Inertial, Room C; July 30: WG-4A, Precision Landing Guidance (LAAS CAT I/II/III), Rooms A and B; WG-2, WAAS, Room C; WG-4B, Airport Surface Surveillance, Room D.

Plenary Session Agenda, July 31, 9:00 a.m.-4:30 p.m., Rooms A and B: (1) Chairman's Introductory Remarks; (2) Review/Approval of Minutes of Previous Meeting; (3) Review WG Progress and Identify Issues for Resolution: (a) GPS/WAAS (WG-2); (b) GPS/GLONASS (WG-2A); (c) GPS/Inertial (WG-2C); (d) GPS/Precision Landing Guidance and Airport Surface Surveillance (WG-4A & WG-4B); (e) Interference (WG-6); (4) Review of EUROCAE Activities; (5) Review WG-4B's draft report on *The role of GNSS in Supporting Airport Surface Operations*; (6) Assignment/Review of Future Work; (7) Other Business; (8) Date and Location of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact Mr. Harold Moses, RTCA Program Director, at (202) 833-9339 (phone), (202) 833-9434 (fax), or hmoses@rtca.org (electronic mail). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on June 24, 1998.

Janice L. Peters,

Designated Official.

[FR Doc. 98-17629 Filed 7-1-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Amtrak Reform Council; Notice of Meeting

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Amtrak Reform Council meeting.

SUMMARY: As provided in Section 203 of the Amtrak Reform and Accountability Act of 1997, the Federal Railroad Administration (FRA) gives notice of a meeting of the Amtrak Reform Council ("ARC"). The purpose of the meeting is to discuss a draft of the Council's Charter, to receive a briefing from the Department of Transportation's Inspector General regarding the independent assessment of Amtrak's financial needs, and to take up such other matters as the Council or its members deem appropriate.

DATES: The ARC meeting is scheduled for 9:00 a.m. to 12:00 p.m. EST on Monday, July 6, 1998.

ADDRESSES: The meeting will be held in Room 235 in the Hall of States at 444 North Capitol Street, NW, Washington, DC. The meeting is open to the public on a first-come, first-served basis and is accessible to individuals with disabilities. Persons in need of special arrangements should contact the person whose name is listed below.

FOR FURTHER INFORMATION CONTACT: Arrigo Mongini, Deputy Associate Administrator for Railroad Development, FRA, RDV-2, Mail Stop 20, 400 Seventh Street, SW, Washington, DC 20590 (mailing address only) or by telephone at (202) 632-3286.

SUPPLEMENTARY INFORMATION: The ARC was created by the Amtrak Reform and Accountability Act of 1997 (ARAA) as an independent commission to evaluate Amtrak's performance and make recommendations to Amtrak for achieving further cost containment and productivity improvements, and financial reforms. In addition, the ARAA requires: that the ARC monitor cost savings resulting from work rules established under new agreements between Amtrak and its labor unions; that the ARC provide an annual report to Congress that includes an assessment of Amtrak's progress on the resolution of productivity issues; and that after two years the ARC begin to make findings on whether Amtrak can meet certain financial goals and, if not, to notify the President and the Congress.

The ARAA provides that the ARC consist of eleven members, including the Secretary of Transportation and ten others nominated by the President or Congressional leaders. Each member is to serve a 5 year term.

Issued in Washington, DC on June 26, 1998.

Mark E. Yachmetz,

Chief, Passenger Programs Division.

[FR Doc. 98-17556 Filed 7-1-98; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received requests from Mayer, Brown & Platt on behalf of The Burlington Northern and Santa Fe Railway Company (BNSF) (WB461-1-6/2/98), and from the General American Transportation Corporation (WB512-4-6/15/98) for permission to use certain data from the Board's Carload Waybill Samples. A copy of these requests may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 565-1542.

Vernon A. Williams,

Secretary.

[FR Doc. 98-17681 Filed 7-1-98; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 116X)]

Union Pacific Railroad Company; Abandonment Exemption; in Salt Lake County, UT

On June 12, 1998, Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903-10905¹ to abandon three rail line segments as follows: (1) the Provo Subdivision, between milepost

799.0 and milepost 800.26 (1.26 miles); (2) the Passenger Line Industrial Lead, between milepost 782.32 and milepost 782.79 (0.47-mile); and (3) the Provo Subdivision Running Track Passenger Line, between milepost 744.20 and milepost 745.48 (1.28 miles), a total distance of 3.01 miles in Salt Lake City, Salt Lake County, UT. The line segments traverse U.S. Postal Service Zip Codes 84101 and 84104. The line segments include the non-agency rail stations of Grant Tower (milepost 800.10), Salt Lake City (milepost 782.79), UP 9th St. Crossing (milepost 744.20), and Salt Lake City (milepost 745.40).

The line segments do not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by September 30, 1998.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line segments, the segments may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than July 22, 1998.² Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-33 (Sub-No. 116X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001, and (2) Joseph D. Anthofer, 1416 Dodge Street, Room 830, Omaha, NE 68179-0830. Replies to the UP petition are due on or before July 22, 1998.

¹ In addition to an exemption from 49 U.S.C. 10903, UP seeks exemption from 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions). UP also requests "that the exemptions be effective on the date after the date of service" of the final decision. These requests will be addressed in the final decision.

² UP states that the line segments are located on Salt Lake City streets within a city project area which is commonly referred to as the Gateway Project. UP points out that exemption from the OFA procedures and public use conditions will allow a prompt conveyance of the right-of-way underlying the line segments to the Utah Department of Transportation and Salt Lake City Corporation, as required for the city's Gateway Project.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: June 25, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 98-17509 Filed 7-1-98; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1040-TeleFile and Form 8855-V, TeleFile Payment Voucher

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1040-TeleFile and Form 8855-V, TeleFile Payment Voucher.

DATES: Written comments should be received on or before August 31, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: 1040-TeleFile and TeleFile Payment Voucher (Form 8855-V).

OMB Number: 1545-1277.

Form Number: 1040-TeleFile and Form 8855-V.

Abstract: Certain Form 1040EZ filers are given the option of using a simplified method of filing their tax return by telephone. The taxpayer enters certain minimal items of information on the TeleFile Tax Record and calls the IRS with a touch-tone telephone. The automated system figures the tax and any refund or balance due while the taxpayer is still on the phone.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 5,900,000.

Estimated Time Per Respondent: 1 hr., 22 min.

Estimated Total Annual Burden Hours: 8,095,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of

information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 22, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98-17695 Filed 7-1-98; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request For Form 8863

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8863, Education Credits (Hope and lifetime learning credits).

DATES: Written comments should be received on or before August 31, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Education Credits (Hope and lifetime learning credits).

OMB Number: To be assigned later.

Form Number: 8863.

Abstract: Section 25A of the Internal Revenue Code allows for two education credits, the Hope credit and the lifetime learning credit. Form 8863 will be used to compute the amount of the allowable

credits. The IRS will use the information on the form to verify that respondents correctly computed their education credits.

Current Actions: This is a new collection of information.

Type of Review: New OMB approval.

Affected Public: Individuals or households.

Estimated Number of Respondents: 10 million.

Estimated Time Per Respondent: To be determined.

Estimated Total Annual Burden Hours: To be determined.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 22, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98-17696 Filed 7-1-98; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 7018-C

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 7018-C, Order Blank for Forms.

DATES: Written comments should be received on or before August 31, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Order Blank for Forms.

OMB Number: 1545-1022.

Form Number: Form 7018-C.

Abstract: Form 7018-C allows taxpayers who must file information returns a systematic way to order the forms and instructions they need.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 868,432.

Estimated Time Per Respondent: 3 minutes.

Estimated Total Annual Burden Hours: 43,422.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection

of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 19, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98-17699 Filed 7-1-98; 8:45 am]

BILLING CODE 4830-01-U

UNITED STATES ENRICHMENT CORPORATION

Sunshine Act Meeting

AGENCY: United States Enrichment Corporation (USEC-federal).

TIME AND DATE: 11:00 a.m., Monday, June 29, 1998.

PLACE: 6903 Rockledge Drive, Bethesda, Maryland 20817.

STATUS: The telephonic meeting of the Board of USEC Inc., a Delaware-chartered corporation, was closed to the public.

MATTERS TO BE CONSIDERED: Organizational, financial and commercial matters of USEC Inc., a Delaware-chartered corporation.

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Stuckle 301-564-3399.

Dated: June 29, 1998.

William H. Timbers, Jr.,

President and Chief Executive Officer, USEC-Federal.

[FR Doc. 98-17819 Filed 6-30-98; 2:39 pm]

BILLING CODE 8720-01-M

UNITED STATES INFORMATION AGENCY

International Education and Cultural Activities; Open Grant Program

ACTION: Notice—Request for proposals.

SUMMARY: The Office of Citizen Exchanges (E/P) of the United States Information Agency's Bureau of Educational and Cultural Affairs announces an open competition for an assistance award program. Public or private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may apply to develop projects that link their international exchange interests with counterpart institutions/groups in ways supportive of the aims of the Bureau of Educational and Cultural Affairs. Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87-256, also known as the Fulbright Hays Act.

The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * * ; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." Programs and projects must conform with Agency requirements and guidelines outlined in the Application Package. USIA projects and programs are subject to the availability of funds.

Interested applicants should read the complete **Federal Register** announcement before addressing inquiries to the Office of Citizen Exchanges or submitting their proposals. Once the RFP deadline has passed, the Office of Citizen Exchanges may not discuss this competition in any way with applicants until after the Bureau program and project review process has been completed.

Announcement Name and Number: All communications concerning this announcement should refer to the Annual Open Grant Program. The announcement number is E/P-99-1. Please refer to title and number in all correspondence or telephone calls to USIA.

Deadline for Proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC. time

on Friday, October 2, 1998. Faxed documents will not be accepted at any time. Documents postmarked by the due date but received at a later date will not be accepted. It is the responsibility of each grant applicant to ensure that proposals are received by the above deadline. This action is effective from the publication date of this notice through October 2, 1998, for projects where activities will begin between January 1, 1999 and December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Interested organizations/institutions must contact the Office of Citizen Exchanges, E/PL, Room 216, United States Information Agency, 301 4th Street, SW., Washington, DC 20547, (202) 619-5326, to request detailed application packets which include award criteria; all application forms; and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget.

To Download a Solicitation Package Via Internet: The Solicitation Package may be downloaded from USIA's website at <http://www.usia.gov/education/rfps>. Please read all information before beginning to download.

ADDRESSES: Applicants must follow all instructions given in the Application Package and send only complete applications with 15 copies to: U.S. Information Agency, REF: E/P-99-1 Annual Open Grant Competition, Grants Management Division (E/XE), 301-4th Street, SW., Room 336, Washington, DC 20547.

Applicants must also submit to E/XE the "Executive Summary" and "Narrative" sections of each proposal on a 3.5" diskette, formatted for DOS. This material must be provided in ASCII text (DOS) format with a maximum line length of 54 characters. USIA will transmit these files electronically to USIS posts overseas for their review, with the goal of reducing the time it takes to get posts' comments for the Agency's grants review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socioeconomic status, and physical challenges. Applicants are strongly encouraged to adhere to the

advancement of this principle both in program administration and in program content. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into the total proposal. Public Law 104-319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," USIA "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Proposals should account for advancement of this goal in their program contents, to the full extent deemed feasible.

Overview

The Office of Citizen Exchanges works with U.S. private sector, non-profit organizations on cooperative international group projects that introduce American and foreign participants to each others' social, economic, and political structures, and international interests. The Office supports international projects in the United States or overseas involving leaders or potential leaders in the following fields and professions: urban planners, jurists, specialized journalists (specialists in economics, business, political analysis, international affairs), business professionals, NGO leaders, environmental specialist, parliamentarians, educators, economists, and other government officials.

Guidelines

Applicants should carefully note the following restrictions/recommendations for proposals in specific geographical areas:

Central and Eastern Europe (CEE) and the Newly Independent States (NIS): Requests for proposals involving the following countries will be announced in separate competitions: CEE—Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Macedonia, Poland, Romania, Slovak Republic, and Slovenia; NIS—Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. Proposals involving these regions will not be accepted under this competition.

Western Europe (WEU): Proposals involving this region will not be accepted under this competition.

East Asia and the Pacific (EA): Priority consideration will be given to proposals focused on the following

countries: China, Korea, and Vietnam and the following themes: Rule of Law, especially the enforcement of intellectual property rights, judicial reform and court administration; Third Sector Development with emphasis on citizens groups, grassroots/community organizations, and professional associations; Market Economics/Reform stressing the relationship between government regulation and private enterprise; and Local Government focusing on practical approaches to streamlining government and increasing government's accountability, transparency, and responsiveness.

E/P contact for EA programs: Bill Dawson, 202/260-5485; E-Mail {WDawson@USIA.GOV}

American Republics (AR): Only those proposals will be considered that evidence the applicant's substantial knowledge of both the proposed theme and the country/countries where the project is to take place. Preference will be given to proposals on the following themes and for the following eligible countries:

Rule of Law/Administration of Justice: Proposals should focus on professional working level exchanges for prosecuting attorneys, district attorneys, paralegals, justices of the peace, mediators, arbitrators and/or judges. Preferred topics: judicial reform, case management, administration of justice, judicial independence and alternative dispute resolution. Eligible countries: Venezuela, Brazil, the Dominican Republic, Costa Rica, and Panama; other countries as appropriate.

Rule of Law/Civil Society: Proposals should support ongoing efforts in the field of conflict resolution in Argentina which include ongoing support for a national conflict resolution center, and developing an indigenous trainer capacity, including a training program on how to develop courses in conflict resolution for the governmental and non-governmental sectors. Eligible countries: Argentina.

Democratic Institution Building: Proposals should focus on ethics in government, good governance, transparency, the fight against corruption, decentralization, local/municipal government, grassroots democracy and citizen participation. Exchanges should target local government officials, city managers and administrators, and NGO leaders. Eligible countries: Bolivia, Peru, Colombia, Ecuador, Chile, Mexico; other countries as appropriate.

Reporting on Democratic Institutions: Proposals should focus on professional, working level exchanges for reporters, editors and managers in the news

business. Exchanges should include workshops that would explore how journalists cover and relate to democratic institutions such as local government agencies, legislatures, and the courts. Workshops could include advanced skills such as investigative reporting and business journalism and how those skills can be applied to covering government agencies. Eligible countries: Any in the region.

Education: Proposals should focus on implementation of the Summit of the Americas Action Plan for Education, details of which can be found on the Summit internet web site, reachable through the USIA site at www.usia.gov. Exchanges should be in the fields of technology in education (including distance learning), educational administration, and professional development for teachers and other educators. Eligible countries: Any in the region. E/P contact for AR programs: Laverne Johnson, 202/619-5337; E-Mail {LJohnson@USIA.GOV}

Africa (AF): Proposals are requested for projects which would advance sustainable democracy by building human capital in Africa and strengthening partnership between the United States and Africa in the thematic categories delineated below. In addition to promoting democratic values, projects should enhance policy and operational skills and foster networking across political as well as government-civil society divisions.

Civic Education—Proposals should encourage the effective engagement of citizens in their country's political life. Preference will be given to projects that focus on organizations whose aim is to educate citizens about their democratic rights and responsibilities, or through projects that assist key institutions of civil society (e.g., women's groups, grassroots/community organizations, professional associations, other NGOs) in contributing to democracy. Related themes might include building values of tolerance, pragmatism, cooperation and compromise, building skills and institutions for constructive non-violent change; addressing cultural and other obstacles to civic education; inculcating a commitment to rule of law; and teaching and encouraging citizens to participate fully in community and national development.

Democratic Governance—Proposals should work to strengthen institutions of government whose work has a direct impact on the quality of a country's democracy and to increase their transparency, accountability, responsiveness, and effectiveness of operations. Especially welcome would be proposals dealing with local

government and decentralization, but projects might also be focused on other elements of executive branches, legislatures, or judicial systems. Use of alternate dispute resolution methods and protection of human rights are welcome themes.

Trade and Investment—Proposals should foster an understanding of and commitment to policies and practices that support economic growth in a democratic framework through the private sector and international trade. Especially encouraged are proposals that focus on creating an "enabling environment" supportive of these goals. Issues addressed might include intellectual property rights, trade liberalization (e.g., tax and investment laws, along with other incentives), mechanisms of transparency and accountability, the role of business associations, and regional economic cooperation/integration.

Electronic Connectivity—Proposals should promote information sharing and network building between Americans and Africans as well as among Africans themselves. Preference will be given to projects that address one of the thematic categories listed above for Africa. African participants might include government institutions (e.g., parliaments or trade policy departments within ministries); educational institutions; professional associations (e.g., bar, business, or journalism associations); and civic organizations (e.g., women's, human rights or environmental groups). USIA funds should not be used for the purchase of equipment. Proposals must demonstrate a commitment to use and a capacity to maintain the necessary equipment. Other themes may be proposed, but strong preference will be given to proposals that follow the thematic guidelines above and to proposals that include programming in at least three countries.

E/P contact for AF programs: Stephen Taylor, 202/205-0535; E-Mail {Staylor@USIA.GOV}

Near East, North Africa and South Asia (NEA): Proposals which respond to the following suggested themes and organizational approaches will receive priority consideration in the awarding of grants for exchange activity in the Near East, North Africa, and South Asia. While not all countries suggested as participants for each project must be included in the exchange, projects which bring together representatives from three or more countries will be given preference. Proposals for exchange projects which address issues of crucial importance to the United States and to proposed partner countries

but which do not respond specifically to the themes included below will also be considered.

The countries/entities comprising the NEA AREA are listed below. Currently there is no USIA presence in Afghanistan, Iran, Iraq, Libya, or Mauritania. Under each theme, the countries appearing in parentheses are those which have indicated a particular interest in the theme or which appear to be appropriate exchange partners in projects addressing the theme.

Countries/Entities of the Near East, North Africa, and South Asia—Afghanistan; Algeria; Bahrain; Bangladesh; Egypt; India; Iran; Iraq; Israel; Jordan; Kuwait; Lebanon; Libya; Mauritania; Morocco; Nepal; Oman; Pakistan; the Palestinian Authority; Qatar; Saudi Arabia; Sri Lanka; Sudan; Syria; Tunisia; the United Arab Emirates (UAE); Yemen.

Strengthening Non-governmental Organizations: Political and Social Activism in Support of Democracy (India; Nepal; Pakistan; Egypt; Morocco; Jordan; the Palestinian Authority; Lebanon).

Social and political activism, encouraged, focussed, and channeled through non-governmental organizations, is a basic underpinning of democratic society. Strengthening NGO advocacy skills, management, grassroots support, fundraising, networking for mutual support and reinforcement, and cultivating media relations will reinforce democratic trends in the region. In addition to providing existing and newly established NGOs clear guidance and training in the above-listed operational skills, issues to be considered in developing an exchange are: training people to use dissent and advocacy effectively to produce peaceful social change; educating citizens and disseminating information on the role of non-governmental organizations in a civil society; and emphasizing the role of NGOs can play in ensuring that the workings of government are open and transparent, in strengthening the rule of law, in supporting human and civil rights, and in improving the status of women in both society and government.

Developing Content-based Teaching English as a Second Language (TESL) Programs (Israel; Egypt; Jordan).

There is a strong desire throughout the Middle East for enhanced capacity in the English language. A proposal is sought that will combine high-level, substantive professional development for ESL curriculum developers and teachers from the Peach Process countries with a strong social and cultural content base emphasizing the

principles of conflict resolution and civic education, with a possible additional emphasis on environmental issues.

Administration of Justice: Strengthening the Independence of the Judiciary (Jordan (proposed as a single-country project); Morocco; India (proposed with emphasis on the need to address equal treatment of women under the law); Nepal; Bangladesh).

A strong, independent judiciary is a fundamental pillar of democracy. The integrity of the judicial process and, by extrapolation, public confidence in the ability of the judicial process to deliver justice, is threatened in diverse countries by political interference and by public perception of the unequal and, by extrapolation, unfair treatment before the bench of women and members of ethnic minority communities. It is important that judges of both lower and higher courts be introduced to the principles and practices of U.S. jurisprudence and that such fundamental procedural innovations as alternative dispute resolution, early neutral evaluation, case management, and arbitration/mediation be familiar to them.

Combating Narcotics Abuse and Developing Positive Approaches to Rehabilitation and Re-integration (Israel; Jordan; India).

Narcotics trafficking and abuse is an increasing problem for countries in the Near East and South Asia. There is a need for a regional project, to include educators, community leaders, medical practitioners and drug rehabilitation experts, to work with American counterparts in building a strategy to contain the spread of drug use. Emphasis should be placed on dealing with the issue on a community level, and there should be a focus on rehabilitation and the reintegration into society of former addicts through such undertakings as job skills training programs and family and community support efforts.

Women in Politics (Israel; Oman, Yemen; the United Arab Emirates; the Palestinian Authority).

While women's groups have organized themselves and actively campaign for equal rights and a greater say in local politics, they are ready and eager to learn more about advocacy, election campaigning, grassroots educational efforts, lobbying, and meeting the challenges and responsibilities of leadership once elected. Both women in municipal leadership roles and those hoping to expand the franchise and strengthen the role of women in politics could benefit from learning about the American

experience and from establishing linkages with American and Middle Eastern women's political groups which share their aspirations.

Federalism: Center-State Relations and the Sharing of Power (India; Bangladesh).

The American experience with federalism is becoming more and more relevant to the states of South Asia as the complexity of governing requires that power devolve from the center to the regions and states. Regional parties have emerged in several states and are demanding increasing autonomy. A project to demonstrate how federalism functions in the United States, particularly its constitutional, legal and practical bases, would be very useful. Potential participants are political leaders, NGO leaders, party operatives, and political scientists who are studying democratic patterns and whose thinking will have a multiplier effect in society.

Civic Education (Egypt; the Palestinian Authority).

Promoting the development of civic education, both in terms of curriculum development and in terms of teacher training, parent-teacher coordination, and other aspects of primary and secondary education aimed at increasing citizen awareness and participation, is a high priority. Middle Eastern groups are particularly interested in learning about American school systems that have incorporated community service, environmental campaigns, and other activities that involve students in the larger society in their curricula.

Economic Reform (Egypt; Tunisia).

A proposal is sought that would link North African business groups with American counterparts and would demonstrate the system and the efficacy of lobbying, public education campaigns, and media relations in support of privatization, competitiveness, decentralization of commercial regulation, and regional economic integration.

Ethnic Tolerance (India; Sri Lanka; Pakistan; Lebanon).

Communal and ethnic tolerance have been difficult objectives to achieve in South Asia, and the problem has worsened with the rise of community-based political groupings. There are numerous community groups working to bring about resolution to the challenge posed by ethnic nationalism, and the American experience of absorbing, integrating, and accommodating diverse communities from various parts of the world into civil, as opposed to an ethnically defined, polity would be useful to these groups. Of particular relevance would

be the experience of programs that teach tolerance in either a formal educational setting or in novel, arts/media-based contexts.

E/P contact for NEA programs: Tom Johnston, 202/619-5325; E-Mail {TJohnston@USIA.GOV}

The Office of Citizen Exchanges strongly encourages the coordination of activities with respected universities, professional associations, and major cultural institutions in the U.S. and abroad, but particularly in the U.S. Projects should be intellectual and cultural, not technical. Vocational training (an occupation other than one requiring a baccalaureate or higher academic degree; i.e., clerical work, auto maintenance, etc., and other occupations requiring less than two years of higher education) and technical training (special and practical knowledge of a mechanical or a scientific subject which enhances mechanical, narrowly scientific, or semi-skilled capabilities) are ineligible for support. In addition, scholarship programs are ineligible for support. The Office does not support proposal limited to conference or seminars (i.e., one to fourteen-day programs with plenary sessions, main speakers, panels, and a passive audience). It will support conference only insofar as they are part of a larger project in duration and scope which is receiving USIA funding from this competition. USIA-supported projects may include internships; study tours; short-term, non-technical training; and extended, intensive workshops taking place in the United States or overseas. The themes addressed in exchange programs must be of long-term importance rather than focused exclusively on current events or short-term issues. In every case, a substantial rationale must be presented as part of the proposal, one that clearly indicates the distinctive and important contribution of the overall project, including, where applicable, the expected yield of any associated conference. No funding is available exclusively to send U.S. citizens to conferences or conference-type seminars overseas; nor is funding available for bringing foreign nationals to conferences or to routine professional association meetings in the United States. Projects that duplicate what is routinely carried out by private sector and/or public sector operations will not be considered. The Office of Citizen Exchanges strongly recommends that applicants consult with host country USIS posts *prior* to submitting proposals.

Selection of Participants: All grants proposals should clearly describe the

type of persons who will participate in the program as well as the process by which participants will be selected. It is recommended that programs in support of U.S. internships include letters tentatively committing host institutions to support the internships. In the selection of foreign participants, USIA and USIS posts abroad retain the right to nominate all participants and to accept or deny participants recommended by grantee institutions. However, grantee institutions are often asked by USIA to suggest names of potential participants. The grantee institution will also provide the names of American participants and brief (two pages) biographical data on each American participant to the Office of Citizen Exchanges for information purposes. Priority will be given to foreign participants who have not previously travelled to the United States.

Additional Guidance: The Office of Citizen Exchanges offers the following additional guidance to prospective applicants:

1. The Office of Citizen Exchanges encourages project proposal involving more than one country. Pertinent rationale which links countries in multi-country projects should be included in the submission. Single-country projects that are clearly defined and possess the potential for creating and strengthening continuing linkages between foreign and U.S. institutions are also welcome.

2. Proposals for bilateral programs are subject to review and comment by the USIS post in the relevant country, and pre-selected participants will also be subject to USIS post review.

3. Bilateral programs should clearly identify the counterpart organization and provide evidence of the organization's participation.

4. The Office of Citizen Exchanges will consider proposals for activities which take place exclusively in other countries when USIS posts are consulted in the design of the proposed program and in the choice of the most suitable venues for such programs.

5. Office of Citizen Exchanges grants are not given to support projects whose focus is limited to technical or vocational subjects, or for research projects, for publications funding, for student and/or teacher/faculty exchanges, for sports and/or sports related programs. Nor does this office provide scholarships or support for long-term (a semester or more) academic studies. Competitions sponsored by other Bureau offices are also announced in the **Federal Register**.

For projects that would begin after December 31, 1999, competition details

will be announced in the **Federal Register** on or June 1, 1999. Inquiries concerning technical requirements are welcome prior to submission of applications.

Funding: Although no set funding limit exists, proposals for less than \$135,000 will receive preference. Organizations with less than four years of successful experience in managing international exchange programs are limited to \$60,000. Applicants are invited to provide both an all-inclusive budget as well as separate sub-budgets for each program component, phase, location, or activity in order to facilitate USIA decisions on funding. While an all-inclusive budget must be provided with each proposal, separate component budgets are optional. Competition for USIA funding support is keen.

The selection of grantee institutions will depend on program substance, cross-cultural sensitivity, and ability to carry out the program successfully. Since USIA grant assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other anticipated sources of financial and in-kind support. Proposals with substantial private sector support from foundations, corporations, other institutions, et al. will be deemed highly competitive. The Recipient must provide a minimum of 33 percent cost sharing of the total project cost.

The following project costs are eligible for consideration for funding:

1. International and domestic air fares; visas; transit costs; ground transportation costs.

2. Per Diem. For the U.S. program, organizations have the option of using a flat \$160/day for program participants or the published U.S. Federal per diem rates for individual American cities. For activities outside the U.S., the published Federal per diem rates must be used. NOTE: U.S. escorting staff must use the published Federal per diem rates, not the flat rate. Per diem rates may be accessed at [www.usia.gov/agency/ebur-ref.html].

3. Interpreters: If needed, interpreters for the U.S. program are provided by the U.S. State Department Language Services Division. Typically, a pair of simultaneous interpreters is provided for every four visitors who need interpretation. USIA grants do not pay for foreign interpreters to accompany delegations from their home country. Grant proposal budgets should contain a flat \$160/day per diem for each Department of State interpreter, as well as home-program-home air transportation of \$400 per interpreter plus any U.S. travel expenses during the program. Salary expenses are covered

centrally and should not be part of an applicant's proposed budget.

4. Book and cultural allowance:

Participants are entitled to and escorts are reimbursed a one-time cultural allowance of \$150 per person, plus a participant book allowance of \$50. U.S. staff do not get these benefits.

5. Consultants. May be used to provide specialized expertise or to make presentations. Daily honoraria generally do not exceed \$250 per day.

Subcontracting organizations may also be used, in which case the written agreement between the prospective grantee and subcontractor should be included in the proposal.

6. Room rental, which generally should not exceed \$250 per day.

7. Materials development. Proposals may contain costs to purchase, develop, and translate materials for participants.

8. One working meal per project. Per capita costs may not exceed \$5-8 for a lunch and \$14-20 for a dinner, excluding room rental. The number of invited guests may not exceed participants by more than a factor of two-to-one.

9. A return travel allowance of \$70 for each participant which is to be used for incidental expenditures incurred during international travel.

10. All USIA-funded delegates will be covered under the terms of a USIA-sponsored health insurance policy. The premium is paid by USIA directly to the insurance company.

11. Other costs necessary for the effective administration of the program, including salaries for grant organization employees, benefits, and other direct and indirect costs per detailed instructions in the application package. Note: the 20 percent limitation of "administrative costs" included in previous announcements does not apply to this RFP. Please refer to the Application Package for complete budget guidelines.

Review Process: USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the Application Packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the program office, as well the USIA geographic regional office and the USIS post overseas, where appropriate. Proposals may also be reviewed by the USIA's Office of General Counsel by other Agency elements. Funding decisions are at the discretion of the USIA Associate Director for Education and Cultural Affairs. Final technical

authority for assistance awards (grants or cooperative agreements) resides with USIA's grants officer.

Review Criteria: USIA will consider proposals based on their conformance with the objectives and considerations already stated in the RFP, as well as the following criteria:

1. Quality of Program Idea: Proposals should exhibit originality, substance, precision, and relevance to the Agency mission.

2. Program Planning/Ability to Achieve Program Objectives: Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above. Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program objectives and plan.

3. Multiplier Effect/Impact: Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

4. Support of Diversity: Proposals should demonstrate the substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue, and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials, and follow-up activities).

5. Institutional Capacity/Reputation/Ability: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program's or project's goal. Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts. The Agency will consider the past performance of prior recipients and the demonstrated potential of new applicants.

6. Follow-on Activities: Proposals should provide a plan for continued follow-up activity (without USIA support) which ensures that USIA-supported programs are not isolated events.

7. Evaluation Plan: Proposals should provide a plan for a thorough and objective evaluation of the program/project by the grantee institution.

8. Cost-Effectiveness/Cost Sharing: The overhead and administrative components of the proposal, including

salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by USIA that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the need of the program and the availability of funds. Organizations will be expected to cooperate with USIA in evaluating their programs under the principles of the Government Performance and Results Act of 1993, which requires federal agencies to measure and report on the results of their programs and activities.

Notification

Final awards cannot be made until funds have been fully appropriated by the Congress, allocated, and committed through internal USIA procedures. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: June 23, 1998.

John P. Loiello,

Associate Director for the Bureau of Educational and Cultural Affairs.

[FR Doc. 98-17165 Filed 7-1-98; 8:45 am]

BILLING CODE 8230-01-M

UNITED STATES INSTITUTE OF PEACE

Announcement of the 1998 Unsolicited Fall Grant Program

AGENCY: United States Institute of Peace.

ACTION: Notice.

SUMMARY: The Agency announces its Upcoming Deadline for the 1998 Unsolicited Grant Fall Competition, which offers support for research, education and training, and the dissemination of information on international peace and conflict resolution.

Deadline: October 1, 1998.

DATES: Application Material Available Upon Request, Receipt Date for Return of Application: October 1, 1998, Notification of Awards: Late January 1999.

ADDRESSES: For Application Package:
United States Institute of Peace, Grant
Program, 1550 M Street, NW., Suite 700,
Washington, DC 20005-1708, (202) 429-
3842 (phone), (202) 429-6063 (fax),
(202) 457-1719 (TTY), Email:
grant__program@usip.org.

Applications also available on-line at
our web site: www.usip.org.

FOR FURTHER INFORMATION CONTACT:
The Grant Program, Phone (202) 429-
3842.

Dated: June 26, 1998.

Bernice J. Carney,

Director, Office of Administration.

[FR Doc. 98-17662 Filed 7-1-98; 8:45 am]

BILLING CODE 6820-AR-M

Corrections

Federal Register

Vol. 63, No. 127

Thursday, July 2, 1998

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT98-56-000]

Iroquois Gas Transmission System, L.P.; Notice of GRI Refunds

Correction

In notice document 98-17192, appearing on page 35212, in the issue of

Monday, June 29, 1998, make the following correction:

On page 35212, in the first column, the docket number is corrected to read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE

28 CFR Part 16

[Attorney General Order No. 2156-98]

RIN 1105-AA20

Revision of Freedom of Information Act and Privacy Act Regulations and Implementation of Electronic Freedom of Information Act Amendments of 1996

Correction

In the issue of Monday, June 1, 1998, on page 29598, in the first column, in the correction of rule document 98-

14341, § 16.11(b)(7) should read as set forth below:

§ 16.11 [Corrected]

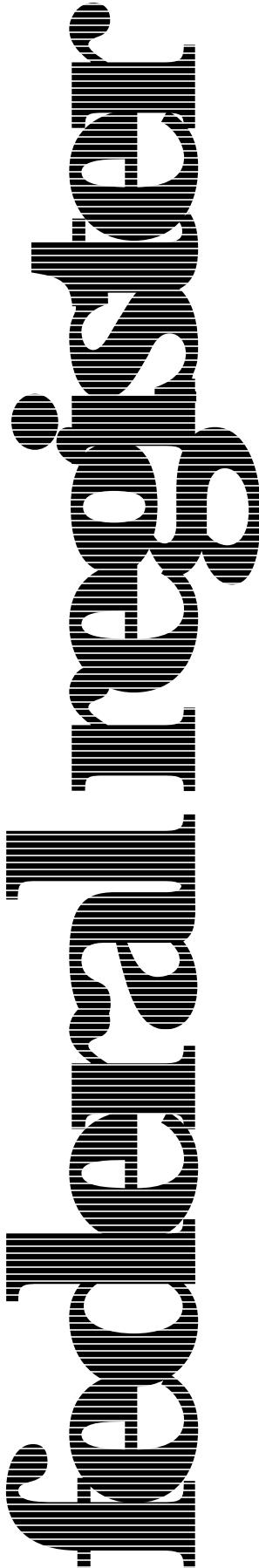
* * * * *

(b)* * *

(7) *Review* means the examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. It also includes processing any record for disclosure—for example, doing all that is necessary to redact it and prepare it for disclosure. Review costs are recoverable even if a record ultimately is not disclosed. Review time includes time spent considering any formal objection to disclosure made by a business submitter under § 16.8, but does not include time spent resolving general legal or policy issues regarding the application of exemptions.

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BILLING CODE 1505-01-D



Thursday
July 2, 1998

Part II

Department of Education

Office of Special Education and
Rehabilitative Services, National Institute
on Disability and Rehabilitation Research;
Notice Inviting Applications for New
Awards Under the Disability and
Rehabilitation Research Project and
Centers Program for Fiscal Year (FY)
1998

DEPARTMENT OF EDUCATION

[CFDA Nos.: 84.133A and 84.133B]

**Office of Special Education and
Rehabilitative Services; National
Institute on Disability and
Rehabilitation Research; Notice
Inviting Applications for New Awards
Under the Disability and Rehabilitation
Research Project and Centers Program
for Fiscal Year (FY) 1998**

Note To Applicants: This notice is a complete application package. Together with the statute authorizing the programs and applicable regulations governing the programs, including the Education Department General Administrative Regulations (EDGAR), this notice contains information, application forms, and instructions needed to apply for a grant under these competitions.

On June 8, 1998 the Secretary published in separate parts two notices of proposed priorities in the **Federal Register**. One notice included two proposed priorities related to a burn data coordinating project and collaborative research for traumatic brain injury (TBI) model systems. (63 FR 31320–31321). The second notice included three proposed priorities related to: employment opportunities for American Indians; community integration for persons with mental retardation; and policies affecting families of children with disabilities. (63 FR 31324–31329).

In order to provide applicants with a 60-day application period and to ensure that these grants are awarded before the end of FY 1998, NIDRR is inviting applications based on the proposed priorities published on June 8, 1998. NIDRR will publish the final priorities as soon as possible after the comment period closes on July 8, 1998. Depending upon the comments that NIDRR receives, the final priorities may

include revisions to the proposed priorities. It is the policy of the Department of Education not to solicit applications before the publication of final priorities. However, in this case it is essential to solicit applications on the basis of the proposed priorities in order to allow applicants sufficient time to prepare applications of appropriate quality to be funded. Applicants are advised to begin to develop their applications based on the proposed priorities. If changes are made in the final priorities, applicants will be given a chance to revise or resubmit their applications.

As of the publication of this notice inviting applications, NIDRR had received two substantive comments addressing the proposed priorities. The first comment suggested revising the priority on collaborative research for TBI model systems to address the needs of individuals in correctional facilities. The second comment suggested that applicants for the burn data coordinating project demonstrate an understanding of burn care and the burn model systems database, and possess the technology to respond to idiosyncratic hardware and software needs and issues that each burn model system brings to the common database. In the notice of final priorities, NIDRR will provide its analysis of these comments and others that are received on or before July 8, 1998.

The notice of proposed priority for collaborative research for TBI model systems requires the applicants to collaborate with the current TBI model systems grantees. The notice of final priority for collaborative research for TBI model systems will include the names and telephone numbers of the TBI model systems grantees.

This program supports the National Education Goal that calls for all

Americans to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

The estimated funding levels in this notice do not bind the Department of Education to make awards in any of these categories, or to any specific number of awards or funding levels, unless otherwise specified in statute.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 80, 81, 82, 85, 86, and 34 CFR part 350.

Program Title: Disability and Rehabilitation Research Project and Centers Program.

CFDA Numbers: 84.133A and 84.133B.

Purpose of Program: The purpose of the Disability and Rehabilitation Research Project and Centers Program is to plan related activities, including international activities, to develop methods, procedures, and rehabilitation technology, that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities. In addition, the purpose of the Disability and Rehabilitation Research Project and Centers Program is to improve the effectiveness of services authorized under the Act (34 CFR 350.2).

Eligible Applicants: Parties eligible to apply for grants under this program are States, public or private agencies, including for-profit agencies, public or private organizations, including for-profit organizations, institutions of higher education, and Indian tribes and tribal organizations.

Program Authority: 29 U.S.C. 762.

APPLICATION NOTICE FOR FISCAL YEAR 1998 DISABILITY AND REHABILITATION RESEARCH PROJECTS, CFDA NO. 84–133A

Funding priority	Deadline for transmittal of applications	Estimated number of awards	Maximum award amount (per year) ¹	Project period (months)
Burn Data Coordinating Project	8/31/98	1	\$125,000	48
Collaborative Research for Traumatic Brain Injury Model Systems	8/31/98	8–10	\$300,000	48

¹ Note: The Secretary will reject without consideration or evaluation any application that proposes a project funding level that exceeds the stated maximum award amount per year (See 34 CFR 75.104(b)).

**Disability and Rehabilitation Research
Projects—Burn Data Coordinating
Project**

Selection Criteria: The Secretary uses the following selection criteria to evaluate applications for a Burn Data Coordinating Project under the

Disability and Rehabilitation Research Project and Centers Program.

(a) *Responsiveness to an absolute or competitive priority* (15 points total).

(1) The Secretary considers the responsiveness of the application to the

absolute or competitive priority published in the **Federal Register**.

(2) In determining the responsiveness of the application to the absolute or competitive priority, the Secretary considers the following factors:

(i) The extent to which the applicant addresses all requirements of the absolute or competitive priority (9 points).

(ii) The extent to which the applicant's proposed activities are likely to achieve the purposes of the absolute or competitive priority (6 points).

(b) *Design of technical assistance activities* (20 points total).

(1) The Secretary considers the extent to which the design of technical assistance activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the methods for providing technical assistance are of sufficient quality, intensity, and duration (6 points).

(ii) The extent to which the information to be provided through technical assistance covers all of the relevant aspects of the subject matter (8 points).

(iii) The extent to which the technical assistance is appropriate to the target population, including consideration of the knowledge level of the target population, needs of the target population, and format for providing information (6 points).

(c) *Plan of operation* (10 points total).

(1) The Secretary considers the quality of the plan of operation.

(2) In determining the quality of the plan of operation, the Secretary considers the adequacy of the plan of operation to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, and timelines for accomplishing project tasks (10 points).

(d) *Collaboration* (16 points total).

(1) The Secretary considers the quality of collaboration.

(2) In determining the quality of collaboration, the Secretary considers the following factors:

(i) The extent to which the applicant's proposed collaboration with one or more agencies, organizations, or institutions is likely to be effective in achieving the relevant proposed activities of the project (8 points).

(ii) The extent to which agencies, organizations, or institutions demonstrate a commitment to collaborate with the applicant (4 points).

(iii) The extent to which agencies, organizations, or institutions that commit to collaborate with the applicant have the capacity to carry out collaborative activities (4 points).

(e) *Adequacy and reasonableness of the budget* (4 points total).

(1) The Secretary considers the adequacy and the reasonableness of the proposed budget.

(2) In determining the adequacy and the reasonableness of the proposed budget, the Secretary considers the following factors:

(i) The extent to which the costs are reasonable in relation to the proposed project activities (2 points).

(ii) The extent to which the budget for the project, including any subcontracts, is adequately justified to support the proposed project activities (2 points).

(f) *Plan of evaluation* (10 points total).

(1) The Secretary considers the quality of the plan of evaluation.

(2) In determining the quality of the plan of evaluation, the Secretary considers the following factors:

(i) The extent to which the plan of evaluation provides for periodic assessment of progress toward—

(A) Implementing the plan of operation (3 points); and

(B) Achieving the project's intended outcomes and expected impacts (2 points).

(ii) The extent to which the plan of evaluation provides for periodic assessment of a project's progress that is based on identified performance measures that—

(A) Are clearly related to the intended outcomes of the project and expected impacts on the target population (3 points); and

(B) Are objective, and quantifiable or qualitative, as appropriate (2 points).

(g) *Project staff* (20 points total).

(1) The Secretary considers the quality of the project staff.

(2) In determining the quality of the project staff, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability (2 points).

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the key personnel and other key staff have appropriate training and experience in disciplines required to conduct all proposed activities (7 points).

(ii) The extent to which the commitment of staff time is adequate to accomplish all the proposed activities of the project (4 points).

(iii) The extent to which the key personnel are knowledgeable about the methodology and literature of pertinent subject areas (7 points).

(h) *Adequacy and accessibility of resources* (5 points total).

(1) The Secretary considers the adequacy and accessibility of the applicant's resources to implement the proposed project.

(2) In determining the adequacy and accessibility of resources, the Secretary considers the following factors:

(i) The extent to which the applicant is committed to provide adequate facilities, equipment, other resources, including administrative support, and laboratories, if appropriate (3 points).

(ii) The extent to which the facilities, equipment, and other resources are appropriately accessible to individuals with disabilities who may use the facilities, equipment, and other resources of the project (2 points total).

Collaborative Research for Traumatic Brain Injury Model Systems

Selection Criteria: The Secretary uses the following selection criteria to evaluate applications for a Collaborative Research for Traumatic Brain Injury Model Systems Project under the Disability and Rehabilitation Research Project and Centers Program.

(a) *Responsiveness to an absolute or competitive priority* (10 points total).

(1) The Secretary considers the responsiveness of the application to the absolute or competitive priority published in the **Federal Register**.

(2) In determining the responsiveness of the application to the absolute or competitive priority, the Secretary considers the following factors:

(i) The extent to which the applicant addresses all requirements of the absolute or competitive priority (5 points).

(ii) The extent to which the applicant's proposed activities are likely to achieve the purposes of the absolute or competitive priority (5 points).

(b) *Design of research activities* (30 points total).

(1) The Secretary considers the extent to which the design of research activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the research activities constitute a coherent, sustained approach to research in the field, including a substantial addition to the state-of-the-art (7 points).

(ii) The extent to which the methodology of each proposed research activity is meritorious, including consideration of the extent to which—

(A) The proposed design includes a comprehensive and informed review of

the current literature, demonstrating knowledge of the state-of-the-art (4 points);

(B) Each research hypothesis is theoretically sound and based on current knowledge (4 points);

(C) Each sample population is appropriate and of sufficient size (4 points);

(D) The data collection and measurement techniques are appropriate and likely to be effective (3 points); and

(E) The data analysis methods are appropriate (3 points).

(iii) The extent to which anticipated research results are likely to satisfy the original hypotheses and could be used for planning additional research, including generation of new hypotheses where applicable (5 points).

(c) *Design of dissemination activities* (5 points total).

(1) The Secretary considers the extent to which the design of dissemination activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the materials to be disseminated are likely to be effective and usable, including consideration of their quality, clarity, variety, and format (3 points).

(ii) The extent to which the materials and information to be disseminated and the methods for dissemination are appropriate to the target population, including consideration of the familiarity of the target population with the subject matter, format of the information, and subject matter (2 points).

(d) *Plan of operation* (6 points total).

(1) The Secretary considers the quality of the plan of operation.

(2) In determining the quality of the plan of operation, the Secretary considers the adequacy of the plan of operation to achieve the objectives of the proposed project on time and within budget, including clearly defined

responsibilities, and timelines for accomplishing project tasks (6 points).

(e) *Collaboration* (15 points total).

(1) The Secretary considers the quality of collaboration.

(2) In determining the quality of collaboration, the Secretary considers the following factors:

(i) The extent to which the applicant's proposed collaboration with one or more agencies, organizations, or institutions is likely to be effective in achieving the relevant proposed activities of the project (5 points).

(ii) The extent to which agencies, organizations, or institutions demonstrate a commitment to collaborate with the applicant (5 points).

(iii) The extent to which agencies, organizations, or institutions that commit to collaborate with the applicant have the capacity to carry out collaborative activities (5 points).

(f) *Adequacy and reasonableness of the budget* (4 points total).

(1) The Secretary considers the adequacy and the reasonableness of the proposed budget.

(2) In determining the adequacy and the reasonableness of the proposed budget, the Secretary considers the following factors:

(i) The extent to which the costs are reasonable in relation to the proposed project activities (2 points).

(ii) The extent to which the budget for the project, including any subcontracts, is adequately justified to support the proposed project activities (2 points).

(g) *Plan of evaluation* (10 points total).

(1) The Secretary considers the quality of the plan of evaluation.

(2) In determining the quality of the plan of evaluation, the Secretary considers the following factors:

(i) The extent to which the plan of evaluation provides for periodic assessment of progress toward—

(A) Implementing the plan of operation (3 points); and

(B) Achieving the project's intended outcomes and expected impacts (2 points).

(ii) The extent to which the plan of evaluation provides for periodic assessment of a project's progress that is

based on identified performance measures that—

(A) Are clearly related to the intended outcomes of the project and expected impacts on the target population (3 points); and

(B) Are objective, and quantifiable or qualitative, as appropriate (2 points).

(h) *Project staff* (15 points total).

(1) The Secretary considers the quality of the project staff.

(2) In determining the quality of the project staff, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability (2 points).

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the key personnel and other key staff have appropriate training and experience in disciplines required to conduct all proposed activities (5 points).

(ii) The extent to which the commitment of staff time is adequate to accomplish all the proposed activities of the project (3 points).

(iii) The extent to which the key personnel are knowledgeable about the methodology and literature of pertinent subject areas (5 points).

(i) *Adequacy and accessibility of resources* (5 points total).

(1) The Secretary considers the adequacy and accessibility of the applicant's resources to implement the proposed project.

(2) In determining the adequacy and accessibility of resources, the Secretary considers the following factors:

(i) The extent to which the applicant is committed to provide adequate facilities, equipment, other resources, including administrative support, and laboratories, if appropriate (3 points).

(ii) The extent to which the facilities, equipment, and other resources are appropriately accessible to individuals with disabilities who may use the facilities, equipment, and other resources of the project (2 points total).

APPLICATION NOTICE FOR FISCAL YEAR 1998 REHABILITATION RESEARCH AND TRAINING CENTERS, CFDA NO. 84-133B

Funding priority	Deadline for transmittal of applications	Estimated number of awards	Maximum award amount (per year) ¹	Project period (months)
Employment Opportunities for American Indians	8/31/98	1	\$600,000	60
Community Integration for Persons with Mental Retardation	8/31/98	1	700,000	60
Policies Affecting Families of Children with Disabilities	8/31/98	1	650,000	60

¹ Note: The Secretary will reject without consideration or evaluation any application that proposes a project funding level that exceeds the stated maximum award amount per year (See 34 CFR 75.104(b)).

Rehabilitation Research and Training Centers

Selection Criteria: The Secretary uses the following selection criteria to evaluate applications for RRTC's on employment opportunities for American Indians, community integration for persons with mental retardation, and policies affecting families of children with disabilities.

(a) *Importance of the problem* (9 points total).

(1) The Secretary considers the importance of the problem.

(2) In determining the importance of the problem, the Secretary considers the following factors:

(i) The extent to which the applicant clearly describes the need and target population (3 points).

(ii) The extent to which the proposed activities address a significant need of those who provide services to individuals with disabilities (3 points).

(iii) The extent to which the proposed project will have beneficial impact on the target population (3 points).

(b) *Responsiveness to an absolute or competitive priority* (4 points total).

(1) The Secretary considers the responsiveness of the application to the absolute or competitive priority published in the **Federal Register**.

(2) In determining the responsiveness of the application to the absolute or competitive priority, the Secretary considers the following factors:

(i) The extent to which the applicant addresses all requirements of the absolute or competitive priority (2 points).

(ii) The extent to which the applicant's proposed activities are likely to achieve the purposes of the absolute or competitive priority (2 points).

(c) *Design of research activities* (35 points total).

(1) The Secretary considers the extent to which the design of research activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the research activities constitute a coherent, sustained approach to research in the field, including a substantial addition to the state-of-the-art (5 points).

(ii) The extent to which the methodology of each proposed research activity is meritorious, including consideration of the extent to which—

(A) The proposed design includes a comprehensive and informed review of

the current literature, demonstrating knowledge of the state-of-the-art (5 points);

(B) Each research hypothesis is theoretically sound and based on current knowledge (5 points);

(C) Each sample population is appropriate and of sufficient size (5 points);

(D) The data collection and measurement techniques are appropriate and likely to be effective (5 points); and

(E) The data analysis methods are appropriate (5 points).

(iii) The extent to which anticipated research results are likely to satisfy the original hypotheses and could be used for planning additional research, including generation of new hypotheses where applicable (5 points).

(d) *Design of training activities* (11 points total).

(1) The Secretary considers the extent to which the design of training activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the proposed training materials are likely to be effective, including consideration of their quality, clarity, and variety (2 points).

(ii) The extent to which the proposed training methods are of sufficient quality, intensity, and duration (2 points).

(iii) The extent to which the proposed training content—

(A) Covers all of the relevant aspects of the subject matter (1 point); and

(B) If relevant, is based on new knowledge derived from research activities of the proposed project (1 point).

(iv) The extent to which the proposed training materials, methods, and content are appropriate to the trainees, including consideration of the skill level of the trainees and the subject matter of the materials (2 points).

(v) The extent to which the proposed training materials and methods are accessible to individuals with disabilities (1 point).

(vi) The extent to which the applicant is able to carry out the training activities, either directly or through another entity (2 points).

(e) *Design of dissemination activities* (8 points total).

(1) The Secretary considers the extent to which the design of dissemination activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the content of the information to be disseminated—

(A) Covers all of the relevant aspects of the subject matter (1 point); and

(B) If appropriate, is based on new knowledge derived from research activities of the project (1 point).

(ii) The extent to which the materials to be disseminated are likely to be effective and usable, including consideration of their quality, clarity, variety, and format (2 points).

(iii) The extent to which the methods for dissemination are of sufficient quality, intensity, and duration (2 points).

(iv) The extent to which the materials and information to be disseminated and the methods for dissemination are appropriate to the target population, including consideration of the familiarity of the target population with the subject matter, format of the information, and subject matter (1 point).

(v) The extent to which the information to be disseminated will be accessible to individuals with disabilities (1 point).

(f) *Design of technical assistance activities* (4 points total).

(1) The Secretary considers the extent to which the design of technical assistance activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the methods for providing technical assistance are of sufficient quality, intensity, and duration (1 point).

(ii) The extent to which the information to be provided through technical assistance covers all of the relevant aspects of the subject matter (1 point).

(iii) The extent to which the technical assistance is appropriate to the target population, including consideration of the knowledge level of the target population, needs of the target population, and format for providing information (1 point).

(iv) The extent to which the technical assistance is accessible to individuals with disabilities (1 point).

(g) *Plan of operation* (4 points total).

(1) The Secretary considers the quality of the plan of operation.

(2) In determining the quality of the plan of operation, the Secretary considers the following factors:

(i) The adequacy of the plan of operation to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, and timelines for accomplishing project tasks (2 points).

(ii) The adequacy of the plan of operation to provide for using resources, equipment, and personnel to achieve each objective (2 points).

(f) *Collaboration* (2 points total).

(1) The Secretary considers the quality of collaboration.

(2) In determining the quality of collaboration, the Secretary considers the following factors:

(i) The extent to which the applicant's proposed collaboration with one or more agencies, organizations, or institutions is likely to be effective in achieving the relevant proposed activities of the project (1 point).

(ii) The extent to which agencies, organizations, or institutions demonstrate a commitment to collaborate with the applicant (1 point).

(g) *Adequacy and reasonableness of the budget* (3 points total).

(1) The Secretary considers the adequacy and the reasonableness of the proposed budget.

(2) In determining the adequacy and the reasonableness of the proposed budget, the Secretary considers the following factors:

(i) The extent to which the costs are reasonable in relation to the proposed project activities (1 point).

(ii) The extent to which the budget for the project, including any subcontracts, is adequately justified to support the proposed project activities (2 points).

(h) *Plan of evaluation* (7 points total).

(1) The Secretary considers the quality of the plan of evaluation.

(2) In determining the quality of the plan of evaluation, the Secretary considers the following factors:

(i) The extent to which the plan of evaluation provides for periodic assessment of progress toward—

(A) Implementing the plan of operation (1 point); and

(B) Achieving the project's intended outcomes and expected impacts (1 point).

(ii) The extent to which the plan of evaluation will be used to improve the performance of the project through the feedback generated by its periodic assessments (1 point).

(iii) The extent to which the plan of evaluation provides for periodic assessment of a project's progress that is based on identified performance measures that—

(A) Are clearly related to the intended outcomes of the project and expected impacts on the target population (2 points); and

(B) Are objective, and quantifiable or qualitative, as appropriate (2 points).

(i) *Project staff* (9 points total).

(1) The Secretary considers the quality of the project staff.

(2) In determining the quality of the project staff, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability (1 point).

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the key personnel and other key staff have appropriate training and experience in disciplines required to conduct all proposed activities (2 points).

(ii) The extent to which the commitment of staff time is adequate to accomplish all the proposed activities of the project (2 points).

(iii) The extent to which the key personnel are knowledgeable about the methodology and literature of pertinent subject areas (2 points).

(iv) The extent to which the project staff includes outstanding scientists in the field (2 points).

(j) *Adequacy and accessibility of resources* (4 points).

(1) The Secretary considers the adequacy and accessibility of the applicant's resources to implement the proposed project.

(2) In determining the adequacy and accessibility of resources, the Secretary considers the following factors:

(i) The extent to which the applicant is committed to provide adequate facilities, equipment, other resources, including administrative support, and laboratories, if appropriate (1 point).

(ii) The extent to which the applicant has appropriate access to clinical populations and organizations representing individuals with disabilities to support advanced clinical rehabilitation research (2 points).

(iii) The extent to which the facilities, equipment, and other resources are appropriately accessible to individuals with disabilities who may use the facilities, equipment, and other resources of the project (1 point).

Instructions for Application Narrative

The Secretary strongly recommends that applicants:

(1) Include a one-page abstract in their application;

(2) Limit Part III—Application Narrative to no more than 125 pages for RRTCs and 75 pages for projects;

(3) Use pages that are 8½ x 11" (one side only) with one inch margins (top, bottom, and sides);

(4) Double-space (no more than 3 lines per vertical inch) all sections of text in the application narrative; and

(5) Use no smaller than a 12-point font, and an average character density no greater than 14 characters per inch.

The recommended application narrative page limit does not apply to: Part I—the electronically scannable form; Part II—the budget section (including the narrative budget justification); and Part IV—the assurances and certifications. Also, the one-page abstract, resume(s), bibliography, or letters of support, while considered part of the application, are not subject to the recommended page limitation. Applicants should note that reviewers are not required to review any information provided in addition to the application information listed above.

The recommendations for double-spacing and font do not apply within charts, tables, figures, and graphs, but the information presented in those formats should be easily readable.

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA # [Applicant must insert number and letter]), Washington, D.C. 20202-4725, or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. [Washington, D.C. time] on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA # [Applicant must insert number and letter]), Room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) An applicant wishing to know that its application has been received by the Department must include with the application a stamped self-addressed postcard containing the CFDA number and title of this program.

(3) The applicant *must* indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and letter, if any—of the competition under which the application is being submitted.

Application Forms and Instructions

The appendix to this application is divided into four parts. These parts are organized in the same manner that the submitted application should be organized. These parts are as follows:

PART I: Application for Federal Assistance (Standard Form 424 (Rev. 4-88)) and instructions.

PART II: Budget Form—Non-Construction Programs (Standard Form 524A) and instructions.

PART III: Application Narrative.

Additional Materials

Estimated Public Reporting Burden. Assurances—Non-Construction Programs (Standard Form 424B).

Certification Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters: and Drug-Free Work-Place Requirements (ED Form 80-0013).

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form 80-0014) and instructions. (Note: ED Form GCS-014 is intended for the use of primary participants and should not be transmitted to the Department.)

Disclosure of Lobbying Activities (Standard Form LLL (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL-A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an *original signature*. No grant may be awarded unless a completed application form has been received.

For Applications Contact: The Grants and Contracts Service Team (GCST),

Department of Education, 600 Independence Avenue S.W., Switzer Building, 3317, Washington, D.C. 20202, or call (202) 205-8207. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-9860. The preferred method for requesting information is to FAX your request to (202) 205-8717.

Individuals with disabilities may obtain a copy of the application package in an alternate format by contacting the GCST. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

FOR FURTHER INFORMATION CONTACT:

Donna Nangle, U.S. Department of Education, 600 Maryland Avenue, S.W., room 3418, Switzer Building, Washington, D.C. 20202-2645. Telephone: (202) 205-5880. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-2742. Internet: Donna.Nangle@ed.gov

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Electronic Access to This Document

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (pdf) on the World Wide Web at either of the following sites:

<http://ocfo.ed.gov/fedreg.htm>

<http://www.ed.gov/news.html>

To use the pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the preceding sites. If you have questions about using the pdf, call the U.S. Government Printing Office at (202) 512-1530 or, toll free at 1-888-293-6498.

Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone: (202) 219-1511 or, toll free, 1-800-222-4922. The documents are located under Option G—Files/Announcements, Bulletins and Press Releases.

Note: The official version of this document is the document published in the **Federal Register**.

Program Authority: 29 U.S.C. 760-762.

Dated: June 26, 1998.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

Appendix—Application Forms and Instructions

Applicants are advised to reproduce and complete the application forms in this section. Applicants are required to submit an original and two copies of each application as provided in this section. However, applicants are encouraged to submit an original and seven copies of each application in order to facilitate the peer review process and minimize copying errors.

Frequent Questions

1. Can I Get an Extension of the Due Date?

No! On rare occasions the Department of Education may extend a closing date for all applicants. If that occurs, a notice of the revised due date is published in the **Federal Register**. However, there are no extensions or exceptions to the due date made for individual applicants.

2. What Should be Included in the Application?

The application should include a project narrative, vitae of key personnel, and a budget, as well as the Assurances forms included in this package. Vitae of staff or consultants should include the individual's title and role in the proposed project, and other information that is specifically pertinent to this proposed project. The budgets for both the first year and all subsequent project years should be included.

If collaboration with another organization is involved in the proposed activity, the application should include assurances of participation by the other parties, including written agreements or assurances of cooperation. It is *not* useful to include general letters of support or endorsement in the application.

If the applicant proposes to use unique tests or other measurement instruments that are not widely known in the field, it would be helpful to include the instrument in the application.

Many applications contain voluminous appendices that are not helpful and in many cases cannot even be mailed to the reviewers. It is generally not helpful to include such things as brochures, general capability statements of collaborating organizations, maps, copies of publications, or descriptions of other projects completed by the applicant.

3. What Format Should be Used for the Application?

NIDRR generally advises applicants that they may organize the application to follow the selection criteria that will be used. The specific review criteria vary according to the specific program and are contained in this Consolidated Application Package.

4. May I Submit Applications to More Than One NIDRR Program Competition or More Than One Application to a Program?

Yes, you may submit applications to any program for which they are responsive to the program requirements. You may submit the same application to as many competitions as you believe appropriate. You may also submit more than one application in any given competition.

5. What is the Allowable Indirect Cost Rate?

The limits on indirect costs vary according to the program and the type of application.

An applicant for an RRTC is limited to an indirect cost rate of 15 percent.

An applicant for a Disability and Rehabilitation Research Project should limit indirect charges to the organization's approved indirect cost rate. If the organization does not have an approved indirect cost rate, the application should include an estimated actual rate.

6. Can Profitmaking Businesses Apply for Grants?

Yes. However, for-profit organizations will not be able to collect a fee or profit on the grant, and in some programs will be required to share in the costs of the project.

7. Can Individuals Apply for Grants?

No. Only organizations are eligible to apply for grants under NIDRR programs. However,

individuals are the only entities eligible to apply for fellowships.

8. Can NIDRR Staff Advise me Whether my Project is of Interest to NIDRR or Likely to be Funded?

No. NIDRR staff can advise you of the requirements of the program in which you propose to submit your application. However, staff cannot advise you of whether your subject area or proposed approach is likely to receive approval.

9. How Do I Assure That my Application Will be Referred to the Most Appropriate Panel for Review?

Applicants should be sure that their applications are referred to the correct competition by clearly including the competition title and CFDA number, including alphabetical code, on the Standard Form 424, and including a project title that describes the project.

10. How Soon After Submitting my Application Can I Find Out if it Will be Funded?

The time from closing date to grant award date varies from program to program. Generally speaking, NIDRR endeavors to have awards made within five to six months of the closing date. Unsuccessful applicants generally will be notified within that time frame as well. For the purpose of estimating

a project start date, the applicant should estimate approximately six months from the closing date, but no later than the following September 30.

11. Can I Call NIDRR to Find Out if my Application is Being Funded?

No. When NIDRR is able to release information on the status of grant applications, it will notify applicants by letter. The results of the peer review cannot be released except through this formal notification.

12. If my Application is Successful, Can I Assume I Will Get the Requested Budget Amount in Subsequent Years?

No. Funding in subsequent years is subject to availability of funds and project performance.

13. Will all Approved Applications be Funded?

No. It often happens that the peer review panels approve for funding more applications than NIDRR can fund within available resources. Applicants who are approved but not funded are encouraged to consider submitting similar applications in future competitions.


BILLING CODE 4000-01-P

APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED		Application Identifier	
1. TYPE OF SUBMISSION <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		Preapplication: <input type="checkbox"/> Construction <input type="checkbox"/> Nonconstruction		3. DATE RECEIVED BY STATE 4. DATE RECEIVED BY FEDERAL AGENCY	
				State Application Identifier	
				Federal Identifier	
5. APPLICANT INFORMATION					
Legal Name:			Organizational Unit:		
Address (Give city, county, state, and zip code):			Name and telephone number of the person to be contacted on matters involving this application (give area code)		
6. Employer Identification Number: -			7. TYPE OF APPLICATION: (enter appropriate letter here) <input type="checkbox"/> A. State F. Intermunicipal K. Indian tribe B. County G. Special District L. Individual C. Municipal H. Independent School Dist. M. Profit Org. D. Township I. State Cont. 1 of III N. Other (Specify) E. Interstate J. Private University		
8. TYPE OF APPLICATION <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) here: <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify)					
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 84. Title:			11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: 		
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.): 					
13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:			
Start Date:	Ending Date:	a. Applicant:		b. Project:	
15. ESTIMATED FUNDING		16. IS APPLICANT SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. YES <input type="checkbox"/> THIS PREAPPLICATION /APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE _____ b. NO <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW			
a. Federal	\$.00				
b. Applicant	\$.00				
c. State	\$.00				
d. Local	\$.00				
e. Other	\$.00				
f. Program Income	\$.00				
g. TOTAL	\$.00				
		17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes" attach an explanation <input type="checkbox"/> No			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.					
a. Typed Name of Authorized Representative			b. Title:		c. Telephone Number:
d. Signature of Authorized Representative					e. Date Signed

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:	Item:	Entry:
1.	Self-explanatory.	11.	Enter a brief descriptive title of the project, if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications use a separate sheet to provide a summary description of this project.
2.	Date application submitted to Federal agency (or State if applicable) & applicants control number (if applicable).	12.	List the State and area (county, city, etc.) the applicant is applying to serve with this application .
3.	State use only (if applicable).	13.	Self-explanatory.
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.	14.	List the applicant's Congressional District and any District(s) affected by the program or project.
5.	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matter related to this application.	15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.	16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
7.	Enter the appropriate letter in the space provided.	17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided: - "New" means a new assistance award. - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.	18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application).
9.	Name of Federal agency from which assistance is being requested with this application.		
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.		

 U.S. DEPARTMENT OF EDUCATION BUDGET INFORMATION NON-CONSTRUCTION PROGRAMS		OMB Control No. 1880--0538 Expiration Date: 10/31/99				
Name of Institution/Organization		Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.				
SECTION A - BUDGET SUMMARY U.S. DEPARTMENT OF EDUCATION FUNDS						
Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED FORM NO. 524

Name of Institution/Organization		Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.				
SECTION B - BUDGET SUMMARY NON-FEDERAL FUNDS						
Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						
SECTION C - OTHER BUDGET INFORMATION (see instructions)						

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington, D.C. 20503.

INSTRUCTIONS FOR ED FORM NO. 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.
2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.
3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.
4. Provide other explanations or comments you deem necessary.

Public reporting burden for these collections of information is estimated to average 30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding this burden estimate or any other aspect of these collections of information, including suggestions for reducing this burden, to the: U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and Office of Management and Budget, Paperwork Reduction Project 1820-0027, Washington, D.C. 20503. *Disability and Rehabilitation Research Projects* (CFDA No. 84.133A) 34 CFR Part 350 Subpart B. *Rehabilitation Research and Training Center* (CFDA No. 84.133B) 34 CFR Part 350 Subpart C.

Notice to All Applicants

Thank you for your interest in this program. The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new discretionary grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATION TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

What Does This Provision Require?

Section 427 requires each applicant for funds (other than on individual person) to

include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its federally assisted program for students, teachers, and other program beneficiaries with special needs.

This section allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation that you may address: gender, race, national origin, color, disability, or age. Based on local circumstances, you can determine whether these or other barriers may prevent your students, teachers, etc. from equitable access or participation. Your description need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirement of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to its to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with section 427.

(1) An applicant that proposes to carryout an adult literacy project serving, among

others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1801-0004 (Exp. 8/31/98). The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202-4651.

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ASSURANCES- NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §§874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to

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Standard Form 424 B (4-88)

Prescribed by OMB Circular A-102

- EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(e) of the Clear Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq) related to protecting components or potential components of the national wild and scenic rivers system.
 13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
 14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
 15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
 16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
 17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
 18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official	Title	
Applicant Organization		Date Submitted

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about-

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 600 Independence Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted-

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046Complete this form to disclose lobbying activities pursuant to 31 U.S.C 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance		2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award		3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____	
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known: _____			5. If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime: Congressional District, if known: _____		
6. Federal Department/Agency:			7. Federal Program Name/Description: CFDA Number, if applicable: _____		
8. Federal Action Number, if known:			9. Award Amount, if known: \$ _____		
10. a. Name and Address of Lobbying Entity Registrant <i>(if individual, last name, first name, MI):</i>			b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>		
11. Amount of Payment (check all that apply): \$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned			13. Type of Payment (Check all that apply): <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other, specify: _____		
12. Form of Payment (check all that apply): <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind, specify: nature _____ value _____					
14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11: _____ (attach Continuation Sheet(s) SF-LLL-A, if necessary)					
15. Continuation Sheet(s) SF-LLL attached: <input type="checkbox"/> Yes <input type="checkbox"/> No					
16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.			Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____		
Federal Use Only			Authorized for Local Reproduction Standard Form - LLL		

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. ~~Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate.~~ Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee" then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number, grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state, and zip code of the lobbying entity registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
- ~~11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this a material change report, enter the cumulative amount of payment made or planned to be made.~~
- ~~12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of in-kind payment.~~
- ~~13. Check the appropriate box(es). Check all boxes that apply. If other specify nature.~~
- ~~14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.~~
- ~~15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.~~
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions

DUNS Number Instructions

D-U-N-S No.: Please provide the applicant's D-U-N-S Number. You can obtain your D-U-N-S Number at no charge by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL:

<http://www.dnb.com/dbis/aboutdb/intlduns.htm>

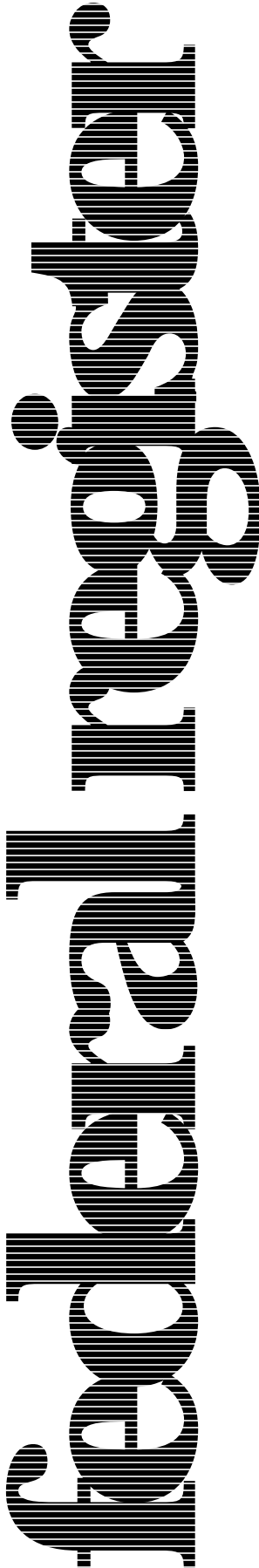
The D-U-N-S Number is a unique nine-digit number that does not convey any information about the recipient. A built in check digit helps assure the accuracy of the D-U-N-S Number. The ninth digit of each number is the check digit, which is mathematically related to the other digits. It

lets computer systems determine if a D-U-N-S Number has been entered correctly.

Dun & Bradstreet, a global information services provider, has assigned D-U-N-S numbers to over 43 million companies worldwide.

[FR Doc. 98-17583 Filed 7-1-98; 8:45 am]

BILLING CODE 4000-01-P



Thursday
July 2, 1998

Part III

Department of Education

Indian Vocational Education Program;
Inviting Applications for New Awards for
Fiscal Year 1998; Notice

DEPARTMENT OF EDUCATION

[CFDA No: 84.101]

**Indian Vocational Education Program;
Notice Inviting Applications for New
Awards for Fiscal Year (FY) 1998**

Notice to Applicants: This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing the program, including the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application forms, and instructions needed to apply for a grant under this competition.

Purpose of Program: To provide financial assistance to Indian tribes and certain schools funded by the Department of the Interior to plan, conduct, and administer projects, or portions of projects, that are authorized by and consistent with the Carl D. Perkins Vocational and Applied Technology Education Act of 1990 (Act), as amended, 20 U.S.C. 2301 *et seq.*

Eligible Applicants: The following entities are eligible for an award under this program:

(a) A tribal organization of any Indian tribe that is eligible to contract with the Secretary of the Interior under the Indian Self-Determination and Education Assistance Act or under the Act of April 16, 1934.

(b) A Bureau-funded school offering a secondary program.

(c) Any tribal organization or Bureau-funded school described in paragraphs (a) or (b) of this section may apply individually or as part of a consortium with one or more eligible tribal organizations or schools.

When seeking to apply for funds as a consortium, individual eligible applicants must enter into an agreement signed by all members of the consortium and designating one member of the consortium as the applicant and grantee. The consortium's agreement must detail the activities each member of the consortium plans to perform, and must bind each member to every statement and assurance made in the consortium's application. The designated applicant must submit the consortium's agreement with its application.

Submission of Applications

(a) An application from a tribal organization, other than a Bureau-funded school, must be submitted to the Secretary by the Indian tribe.

(b) An application for a project to serve more than one Indian tribe must be approved by each tribe to be served.

(c) An application from a Bureau-funded school may be submitted directly to the Secretary.

Deadline for Transmittal of

Applications: September 18, 1998.

Available Funds: \$12,529,088 for the first 12 months of the 24-month project period. Funding for the second 12-month period of the 24-month project period is subject to the availability of funds and to a grantee meeting the requirements of 34 CFR 75.253.

Estimated Range of Awards: \$250,000 to \$500,000 for the first 12 months.

Estimated Average Size of Awards: \$375,000.

Estimated Number of Awards: 35.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 24 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR Part 74 (Administration of Grants and Agreements to Institutions of Higher Education, Hospitals and Nonprofit Organizations).

(2) 34 CFR Part 75 (Direct Grant Programs).

(3) 34 CFR Part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(5) 34 CFR Part 81 (General Education Provisions Act—Enforcement).

(6) 34 CFR Part 85 (Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)).

(7) 34 CFR Part 86 (Drug-Free Schools and Campuses).

(b) The regulations for this program in 34 CFR parts 400 and 401.

Definitions

Applicants are encouraged to take particular note of the following definitions that are contained in 34 CFR 401.5:

Act of April 16, 1934 means the Federal law commonly known as the "Johnson-O'Malley Act," that authorizes the Secretary of the Interior to make contracts for the education of Indians and other purposes (25 U.S.C. 455–457).

Bureau means the Bureau of Indian Affairs, Department of the Interior.

Bureau-funded school means—

(1) A Bureau-operated elementary or secondary day or boarding school or a Bureau-operated dormitory for students attending a school other than a Bureau school;

(2) An elementary or secondary school or a dormitory that receives

financial assistance for its operation under a contract or agreement with the Bureau under section 102, 104(1), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(1), and 458d); or

(3) A school for which assistance is provided under the Tribally Controlled Schools Act of 1988.

Indian tribe means any Indian tribe, band, Nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) that is federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Tribal organization means the recognized governing body of any Indian tribe or any legally established organization of Indians that is controlled, sanctioned, or chartered by that governing body or that is democratically elected by the adult members of the Indian community to be served by the organization and that includes the maximum participation of Indians in all phases of its activities. However, in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each of those Indian tribes must be a prerequisite to the letting or making of that contract or grant.

SUPPLEMENTARY INFORMATION: In response to recent notices inviting applications under the Indian Vocational Education Program, a number of Indian tribal organizations and Bureau-funded schools have submitted applications proposing projects that were designed to use a majority of the funds to prepare students for a high school equivalency diploma. Although a high school diploma or its equivalent certainly enhances a student's ability to benefit from postsecondary vocational education, applicants are reminded that projects must use funds under the Indian Vocational Education Program only to provide vocational education that is authorized by and consistent with the Act. Vocational education includes: (a) remedial education, only to the extent that it is necessary for a vocational education student to benefit from vocational instruction, and (b) the integration of academic and vocational education through coherent sequences of courses so that students achieve both academic and occupational competencies. Grantees may not pay for the cost of academic courses that are not

directly related to the occupational skill being taught in a vocational education program.

The Secretary recognizes that in many Indian communities the need for a high school equivalency diploma may be as great as the need for vocational training and, therefore, encourages Indian tribal organizations and Bureau-funded schools to seek other resources to address the former need.

Priority: Under 34 CFR 75.105(c)(1), the Secretary is particularly interested in receiving applications that meet the following invitational priority:

Projects that include a valid, reliable, and otherwise meaningful plan for conducting an evaluation of the effectiveness of the project. The project must include an evaluation plan that—

(a) Is clearly explained and appropriate for the project;

(b) Identifies at a minimum—

(1) The types of quantifiable data to be collected and reported with respect to the academic and vocational competencies demonstrated by participants and the number and kinds of academic and work credentials acquired by individuals who complete the training, including participation in programs providing training at the associate degree level that is articulated with an advanced degree option;

(2) The type of data to be collected and reported with respect to enrollment, completion, and placement of participants by sex, racial or ethnic group, socio-economic status for each occupation for which training is provided;

(3) Job or work skill attainment or enhancement, including participation in apprenticeship and work-based learning programs, and student progress in achieving occupational skills necessary to obtain employment in the field for which the student has been prepared, including occupational skills in the industry the student is preparing to enter; and

(4) The types and numbers of placements into additional training or education, military service, or employment;

(c) Includes activities during the formative stages of the project to help guide and improve the project, as well as a summative evaluation that includes recommendations for replicating project activities and results. A project that will continue to operate after Federal funding ends should also plan for a summative evaluation that includes recommendations for improving the quality of its vocational education services;

(d) Will yield results that can be summarized and submitted to the

Secretary for review as a potentially exemplary and promising educational program;

(e) Makes use of an external independent evaluator; and

(f) When appropriate, will provide a comparison between intended and observed results and lead to the demonstration of a clear link between the observed results and the specific treatment of project participants.

Note: An application that meets this invitational priority does not receive competitive or absolute preference over other applications.

Selection Criteria: The Secretary uses the selection criteria contained in 34 CFR 401.21 to evaluate applications for new grants under this competition. However, due to the repeal of the legislation authorizing the Jobs Opportunities and Basic Skills (JOBS) program, the "program factors" criterion included in this notice no longer includes references to the JOBS program. (See Pub. L. 104-193, Title I, Section 108(e), August 22, 1996.) Section 401.21 assigns a total of 85 points for these criteria. Under section 401.20(b), the Secretary is authorized to distribute an additional 15 reserved points among the criteria contained in section 401.21 for a maximum of 100 points for the selection criteria. The maximum score for each criterion is indicated in parentheses.

Criteria

(a) **Program factors.** (25 points) The Secretary reviews each application to determine the extent to which it—

(1) Proposes measurable goals for student enrollment, completion, and placement (including placement in jobs or military specialties and in continuing education or training opportunities) that are realistic in terms of stated needs, resources, and job opportunities in each occupation for which training is to be provided;

(2) Proposes goals that take into consideration any related goals or standards developed for the Job Training Partnership Act (JTPA) (29 U.S.C. 1501 *et seq.*) training programs operating in the area, and, where appropriate, any goals set by the State Board for vocational education for the occupation and geographic area;

(3) Describes, for each occupation for which training is to be provided, how successful program completion will be determined in terms of academic and vocational competencies demonstrated by enrollees prior to completion and any academic or work credentials acquired by enrollees upon completion;

(4) Demonstrates the active commitment in the project's planning

and operation by advisory committees, tribal planning offices, the JTPA program director, and potential employers such as tribal enterprises, private enterprises (on or off reservation), and other organizations;

(5) Is targeted to individuals with inadequate skills to assist those individuals in obtaining new employment; and

(6) Includes a thorough description of the approach to be used, including some or all of the following components:

(i) Methods of participant selection.

(ii) Assessment and feedback of participant progress.

(iii) Coordination of vocational instruction, academic instruction, and support services such as counseling, transportation, and child care.

(iv) Curriculum and, if appropriate, approaches for providing on-the-job training experience.

(b) **Need.** (15 points) The Secretary reviews each application to determine the extent to which the project addresses specific needs, including—

(1) The job market and related needs (such as educational level) of the target population;

(2) Characteristics of that population, including an estimate of those to be served by the project;

(3) How the project will meet the needs of the target population; and

(4) A description of any ongoing and planned activities relative to those needs, including, if appropriate, how the State plan developed under 34 CFR 403.30-403.34 is designed to meet those needs.

(c) **Plan of operation.** (15 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The establishment of objectives that are clearly related to project goals and activities and are measurable with respect to anticipated enrollments, completions, and placements;

(2) A management plan that describes the chain of command, how staff will be managed, how coordination among staff will be accomplished, and timelines for each activity; and

(3) The way the applicant intends to use its resources and personnel to achieve each objective.

(d) **Key personnel.** (10 points). (1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used on the project;

(iii) The time, including justification for the time that each one of the key

personnel, including the project director, will commit to the project; and

(iv) Subject to the Indian preference provisions of the Indian Self-Determination Act (25 U.S.C. 450 *et seq.*) that apply to grants and contracts to tribal organizations, how the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disabling condition.

(2) To determine personnel qualifications, the Secretary considers—

(i) The experience and training of key personnel in project management and in fields particularly related to the objectives of the project; and

(ii) Any other qualifications of key personnel that pertain to the quality of the project.

(e) *Budget and Cost Effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project activities;

(2) Costs are reasonable in relation to the objectives of the project and the number of participants to be served; and

(3) The budget narrative justifies the expenditures.

(f) *Evaluation Plan.* (20 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which—

(1) The plan identifies, at a minimum, types of data to be collected and reported with respect to the academic and vocational competencies demonstrated by participants and the number and kind of academic and work credentials acquired by participants who complete the training;

(2) The plan identifies, at a minimum, types of data to be collected and reported with respect to the achievement of project goals for the enrollment, completion, and placement of participants. The data must be broken down by sex and by occupation for which training was provided;

(3) The methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable; and

(4) The methods of evaluation provide periodic data that can be used by the project for ongoing program improvement.

(g) *Employment opportunities.* (10 points) The Secretary reviews each application to determine the quality of the plan for job placement of participants who complete training under this program, including—

(1) The expected employment opportunities (including any military specialties) and any additional educational or training opportunities that are related to the participants' training;

(2) Information and documentation concerning potential employers' commitment to hire participants who complete training; and

(3) An estimate of the percentage of trainees expected to be employed (including self-employed individuals) in the field for which they were trained following completion of training.

Special Considerations

Under 34 CFR 401.20(e), in addition to the 100 points to be awarded based on the selection criteria in 34 CFR 401.21, the Secretary awards:

(a) Up to 5 points to applications proposing exemplary approaches that involve, coordinate with, or encourage tribal economic development plans; and

(b) Five points to applications from tribally controlled community colleges that—

(1) Are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary vocational education; or

(2) Operate vocational education programs that are accredited or are candidates for accreditation by a nationally recognized accreditation organization and issue certificates for completion of vocational education programs.

Additional Factors

Under 34 CFR 401.22, the Secretary may decide not to award a grant or cooperative agreement if—

(a) The proposed project duplicates an effort already being made; or

(b) Funding the project would create an inequitable distribution of funds under this part among Indian tribes.

Instructions for Transmittal of Applications

Applicants are required to submit one original signed application and two copies of the grant application. All forms and assurances must have ink signatures. Please mark applications as "original" or "copy." To aid with the review of applications, the Department encourages applicants to submit four additional copies of the grant application. The Department will not penalize applicants who do not provide additional copies.

(a) If an applicant wants to apply for a grant under this competition, the applicant must either—

(1) Mail the original and two copies of the application on or before the

deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA #84.101), Washington, D.C. 20202-4725, or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, D.C. time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA #84.101), Room #3633, Regional Office Building #3, 7th and D Streets, S.W., Washington, D.C.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708-9494.

(3) The applicant *must* indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms: All forms and instructions are included as Appendix A of this notice. Questions and answers pertaining to this program are included, as Appendix B, to assist potential applicants.

To apply for an award under this program competition, your application must be organized in the following order and include the following five parts. The parts and additional materials are as follows:

PART I: Application for Federal Assistance (Standard Form 424 (Rev. 4-88)) and instructions.

PART II: Budget Information—Non-Construction Programs (ED Form No. 524) and instructions.

PART III: Budget Narrative.

PART IV: Program Narrative.

Estimated Public Reporting Burden.

PART V: Additional Assurances and Certifications:

a. Assurances—Non-Construction Programs (Standard Form 424B).

b. Certification regarding Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80-0013) and instructions.

c. Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form 80-0014, 9/90) and instructions.

Note: ED Form 80-0014 is intended for the use of grantees and should not be transmitted to the Department.

d. Disclosure of Lobbying Activities (Standard Form LLL)(if applicable) and instructions. This document has been marked to reflect statutory changes. See the notice published by the Office of Management and Budget at 61 FR 1413 (January 19, 1996).

e. Notice to All Applicants.

No grant may be awarded unless a completed application form has been received.

FOR FURTHER INFORMATION CONTACT:

Gwen Washington, Linda Mayo or Sonja Turner, Special Programs Branch, Division of National Programs, Office of Vocational and Adult Education, U.S. Department of Education, 600 Independence Avenue, S.W. (Room 4512, Mary E. Switzer Building), Washington, D.C. 20202-7242. Telephone (202) 205-9351. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m. Eastern time, Monday through Friday.

Individuals with disabilities may obtain this notice in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact persons listed in the preceding paragraph. Please note, however, that the Department is not able to reproduce in an alternate format the standard forms included in the notice.

Electronic Access to This Department

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable

document format(pdf) on the World Wide Web at either of the following sites:

<http://ocfo.ed.gov/fedreg.htm>

<http://www.ed.gov/news.html>

To use the pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the preceding sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1-888-293-6498.

Anyone may also view these documents in text copy on an electronic bulletin board of the Department. Telephone (202) 219-1511 or, toll free, 1-800-222-4922. The documents are located under Option G—Files/Announcements, Bulletins and Press Releases.

Note: The official version of this document is the document published in the **Federal Register**.

Program Authority: 20 U.S.C. 2313(b).

Dated: June 26, 1998.

Patricia W. McNeil,

Assistant Secretary, Office of Vocational and Adult Education.

BILLING CODE 4000-01-P


Appendix A

APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED		Application Identifier	
1. TYPE OF SUBMISSION <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		Preapplication: <input type="checkbox"/> Construction <input type="checkbox"/> Nonconstruction		3. DATE RECEIVED BY STATE State Application Identifier	
		4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier	
5. APPLICANT INFORMATION					
Legal Name:			Organizational Unit:		
Address (Give city, county, state, and zip code):			Name and telephone number of the person to be contacted on matters involving this application (give area code)		
6. Employer Identification Number: -			7. TYPE OF APPLICATION: (enter appropriate letter here) <input type="checkbox"/> A. State F. Intermunicipal K. Indian tribe B. County G. Special District L. Individual C. Municipal H. Independent School Dist. M. Profit Org. D. Township I. State Cont. I of HL N. Other (Specify) E. Interstate J. Private University		
8. TYPE OF APPLICATION <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) here: <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify)			9. NAME OF FEDERAL AGENCY		
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 84. 101 Title: Indian Vocational Education Program			11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:		
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):					
13. PROPOSED PROJECT: Start Date: Ending Date:		14. CONGRESSIONAL DISTRICTS OF: a. Applicant: b. Project:			
15. ESTIMATED FUNDING		16. IS APPLICANT SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?			
a. Federal	\$	.00	a. YES <input type="checkbox"/> THIS PREAPPLICATION /APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE _____		
b. Applicant	\$	.00	b. NO <input checked="" type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW		
c. State	\$	.00			
d. Local	\$	.00			
e. Other	\$	.00			
f. Program Income	\$	.00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes" attach an explanation <input type="checkbox"/> No		
g. TOTAL	\$	.00			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.					
a. Typed Name of Authorized Representative			b. Title:		c. Telephone Number:
d. Signature of Authorized Representative			e. Date Signed		

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:	Item:	Entry:
1.	Self-explanatory.	11.	Enter a brief descriptive title of the project, if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications use a separate sheet to provide a summary description of this project.
2.	Date application submitted to Federal agency (or State if applicable) & applicants control number (if applicable).	12.	List the State and area (county, city, etc.) the applicant is applying to serve with this application.
3.	State use only (if applicable).	13.	Self-explanatory.
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.	14.	List the applicant's Congressional District and any District(s) affected by the program or project.
5.	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matter related to this application.	15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.	16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
7.	Enter the appropriate letter in the space provided.	17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided: <ul style="list-style-type: none"> - "New" means a new assistance award. - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. 	18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application).
9.	Name of Federal agency from which assistance is being requested with this application.		
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.		

 U.S. DEPARTMENT OF EDUCATION BUDGET INFORMATION NON-CONSTRUCTION PROGRAMS		OMB Control No. 1880--0538 Expiration Date: 10/31/99
Name of Institution/Organization		Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY						
U.S. DEPARTMENT OF EDUCATION FUNDS						
Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

Name of Institution/Organization		Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.				
SECTION B - BUDGET SUMMARY NON-FEDERAL FUNDS						
Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						
SECTION C - OTHER BUDGET INFORMATION (see instructions)						

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington, D.C. 20503.

INSTRUCTIONS FOR ED FORM NO. 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.
2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.
3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.
4. Provide other explanations or comments you deem necessary.

PART II—BUDGET INFORMATION**Instructions for Part II—Budget Information**

Sections A and B—Budget Summary by Categories

1. *Personnel*: Show salaries to be paid to personnel for each budget year.

2. *Fringe Benefits*: Indicate the rate and amount of fringe benefits for each budget year.

3. *Travel*: Indicate the amount requested for both local and out of State travel of Project Staff for each budget year. Include funds for at least one trip for two people to attend the Project Director's Workshop.

4. *Equipment*: Indicate the cost of non-expendable personal property that has a cost of \$5,000 or more per unit for each budget year.

5. *Supplies*: Include the cost of consumable supplies and materials to be used during the project period for each budget year.

6. *Contractual*: Show the amount to be used for: (1) procurement contracts (except those which belong on other lines such as supplies and equipment); and (2) sub-contracts for each budget year.

7. *Construction*: Not Applicable.

8. *Other*: Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants and capital expenditures for each budget year.

9. *Total Direct Cost*: Show the total for Lines 1 through 8 for each budget year.

10. *Indirect Costs*: Indicate the rate and amount of indirect costs for each budget year.

11. *Training/stipend Cost*: Indicate cost per student and number of hours of instruction. The amount of a stipend may be the greater of either the minimum hourly wage prescribed by state or local law or the minimum hourly wage set under the Fair Labor Standards Act. Please carefully read 34 CFR 401.3(c) for additional information on stipends.

12. *Total Costs*: Show total for lines 9 through 11 for each budget year.

Instructions for Part III—Budget Narrative

The budget narrative should explain, justify, and, if needed, clarify your

budget summary. For each line item (personnel, fringe benefits, travel, etc.) in your budget, explain why it is there and how you computed the costs.

Please limit this section to no more than five pages. Be sure that each page of your application is numbered consecutively.

Instructions for Part IV—Program Narrative

The program narrative will comprise the largest portion of your application. This part is where you spell out the who, what, when, why, and how, of your proposed project.

Although you will not have a form to fill out for your narrative, there is a format. This format is based on the selection criteria. Because your application will be reviewed and rated by a review panel on the basis of the selection criteria, your narrative should follow the order and format of the criteria.

Before preparing your application, you should carefully read the legislation and regulations of the program, eligibility requirements, special considerations, and the selection criteria for this competition.

Your program narrative should be clear, concise, and to the point. Begin the narrative with a one page abstract or summary of your project. Then describe the project in detail, addressing each selection criterion in order.

The Secretary strongly suggests that you limit the program narrative to no more than 30 double-spaced, typed pages (on one side only), although the Secretary will consider your application if it is longer. Be sure to number consecutively ALL pages in your application.

You may include supporting documentation as appendices to the program narrative. Be sure that this material is concise and pertinent to this program competition.

You are advised that—

(a) The Secretary considers only information contained in the application in ranking applications for funding consideration. Letters of support sent separately from the formal application package are not considered

in the review by the technical review panels. (34 CFR 75.217)

(b) The technical review panel evaluates each application solely on the basis of the selection criteria contained in this notice and in 34 CFR 401.21 and the special consideration contained in this notice and in 34 CFR 401.20(e)(1).

(c) The Secretary awards five points to applications from tribally-controlled community colleges, under the terms of 34 CFR 401.20(e)(2).

(d) Letters of support included as appendices to an application, that are of direct relevance to or contain commitments that pertain to the established selection criteria, such as commitment of resources, will be reviewed by the panel.

Estimated Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1830-0013. (Expiration date: 06/30/99). The time required to complete this information collection is estimated to average 90 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection.

If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4651.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Gwen Washington, Linda Mayo or Sonja Turner, Division of National Programs, Office of Vocational and Adult Education, U.S. Department of Education, 600 Independence Avenue, S.W. (Room 4512, Mary E. Switzer Building), Washington D.C. 20202-7242.

BILLING CODE 4000-01-P

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §§874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO

- 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq) related to protecting components or potential components of the national wild and scenic rivers system.
 13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
 14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
 15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
 16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
 17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
 18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official	Title	
Applicant Organization		Date Submitted

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about-

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 600 Independence Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20220-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted-

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, Department of Education, 600 Independence Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046Complete this form to disclose lobbying activities pursuant to 31 U.S.C 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known: _____		5. If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime: Congressional District, if known: _____
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ _____	
10. a. Name and Address of Lobbying Entity Registrant (if individual, last name, first name, MI):		
b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):		
11. Amount of Payment (check all that apply): _____ <input type="checkbox"/> actual <input type="checkbox"/> planned	13. Type of Payment (Check all that apply): <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other, specify: _____	
12. Form of Payment (check all that apply): <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind, specify: nature _____ value _____		
14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11: _____ (attach Continuation Sheet(s) SF-LLL-A, if necessary)		
15. Continuation Sheet(s) SF-LLL attached: <input type="checkbox"/> Yes <input type="checkbox"/> No		
16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only		Authorized for Local Reproduction Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. ~~Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate.~~ Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee" then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number, grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state, and zip code of the lobbying entity registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
- ~~11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.~~
- ~~12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of in-kind payment.~~
- ~~13. Check the appropriate box(es). Check all boxes that apply. If other specify nature.~~
- ~~14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.~~
- ~~15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.~~
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions

Notice to All Applicants

Thank you for your interest in this program. The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new discretionary grant awards under this program. *All applicants for new awards must include information in their applications to address this new provision in order to receive funding under this program.*

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its federally-assisted program for students, teachers, and other program beneficiaries with special needs.

This section allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation that you may address: gender, race, national origin, color, disability, or age. Based on local circumstances, you can determine whether these or other barriers may prevent your students, teachers, etc. from equitable access or participation. Your description need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it tends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1830-0013 (Exp. 6/30/99). The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202-4651.

Potential applicants frequently direct questions to officials of the Department regarding application notices and programmatic and administrative regulations governing various direct grant programs. To assist potential applicants, the Department has assembled the following most commonly asked questions followed by the Department's answers.

Q. Can we get an extension of the deadline?

A. No. A closing date may be changed only under extraordinary circumstances. Any change must be announced in the **Federal Register** and must apply to all applications. Waivers for individual applications cannot be granted regardless of the circumstances.

Q. How many copies of the application should I submit and must they be bound?

A. Applicants are required to submit one original and two copies of the grant application. To aid with the review of applications, the Department encourages applicants to submit four additional copies of the grant application. The Department will not penalize applicants who do not provide additional copies. The binding of applications is optional.

Q. We just missed the deadline for the XXX competition. May we submit under another competition?

A. Yes, however, the likelihood of success is not good. A properly prepared application must meet the specifications of the competition to which it is submitted.

Q. I'm not sure which competition is most appropriate for my project. What should I do?

A. We are happy to discuss any such questions with you and provide clarification on the unique elements of the various competitions.

Q. Will you help us prepare our application?

A. We are happy to provide general program information. Clearly, it would not be appropriate for staff to participate in the actual writing of an application, but we can respond to specific questions about application requirements, evaluation criteria, and the priorities. Applicants should understand, however, that prior contact with the Department is not required, nor will it in any way influence the success of an application.

Q. When will I find out if I'm going to be funded?

A. You can expect to receive notification within 3 to 4 months of the application closing date, depending on the number of applications received and the number of Department competitions with similar closing dates.

Q. Once my application has been reviewed by the review panel, can you tell me the outcome?

A. No. Every year we are called by a number of applicants who have a legitimate reason for needing to know the outcome of the panel review prior to official notification. Some applicants need to make job decisions, some need to notify a local school district, etc.

Regardless of the reason, because final funding decisions have not been made at that point, we cannot share information about the results of panel review with anyone.

Q. Will my application be returned if I am not funded?

A. No. We no longer return unsuccessful applications. Thus, applicants should retain at least one copy of the application.

Q. Can I obtain copies of reviewers' comments?

A. Upon written request, reviewers' comments will be mailed to unsuccessful applicants.

Q. Is travel allowed under these projects?

A. Travel associated with carrying out the project is allowed. Because we may request the project director of funded projects to attend an annual project directors' meeting, you may also wish to include a trip or two to Washington, DC in the travel budget. Travel to conferences is sometimes allowed when the purpose of the conference will be of benefit and relates to the project.

Q. If my application receives high scores from the reviewers, does that mean that I will receive funding?

A. Not necessarily. It is often the case that the number of applications scored highly by the reviewers exceeds the dollars available for funding projects under a particular competition. The order of selection, which is based on the scores of all the applications reviewed

and other relevant factors, determines the applications that can be funded.

Q. What happens during pre-award clarification discussions?

A. During pre-award clarification discussions, technical and budget issues may be raised. These are issues that have been identified during the panel and staff reviews that require clarification. Sometimes issues are stated as "conditions." These are issues that have been identified as so critical that the award cannot be made unless those conditions are met. Questions may also be raised about the proposed budget. Generally, these issues are raised because an application contains inadequate justification or explanation of a particular budget item, or because the budget item seems unimportant to the successful completion of the project. If you are asked to make changes that you feel could seriously affect the project's success, you may provide reasons for not making the changes or provide alternative suggestions. Similarly, if proposed budget reductions will, in your opinion, seriously affect the project activities, you may explain why and provide additional justification for the proposed expenses. An award cannot be made until all issues under discussion have been resolved.

Q. How do I provide an assurance?

A. Except for SF-424B, "Assurances—Non-Construction Programs," you may provide an assurance simply by stating in writing

that you are meeting a prescribed requirement.

Q. Where can copies of the **Federal Register**, program regulations, and Federal statutes be obtained?

A. Copies of these materials can usually be found at your local library. If not, they can be obtained from the Government Printing Office by writing to Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Telephone: (202) 708-8228. When requesting copies of regulations or statutes, it is helpful to use the specific name or public law, number of a statute, or part number of a regulation. The material referenced in this notice should be referred to as follows:

(1) The Carl D. Perkins Vocational and Applied Technology Education Act (Pub. L. 101-302).

(2) Education Department General Administrative Regulations, 34 CFR parts 74, 75, 77, 79, 90, 81, and 85.

(3) 34 CFR parts 400 (Vocational and Applied Technology Education Programs—General Provisions) and 401 (Indian Vocational Education Program) as published in the **Federal Register** on August 14, 1992 (57 FR 36724).

Copies of these materials may be found on the World Wide Web at <http://www.access.gpo.gov/nara>.

[FR Doc. 98-17582 Filed 7-1-98; 8:45 am]

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H.R. 1847/P.L. 105-184

Telemarketing Fraud Prevention Act of 1998 (June 23, 1998; 112 Stat. 520)

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